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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: strengthening of the coordination of emergency humanitarian assistance of the United Nations

International cooperation on humanitarian assistance in the field of natural disasters, from relief to development

Report of the Secretary-General**

Summary

The present report has been prepared pursuant to General Assembly resolution 59/212, in which the Assembly requested the Secretary-General to report on progress made in international cooperation in the field of disasters associated with natural hazards. The report highlights the key challenges faced by the international community in strengthening the capacity of disaster-prone countries in disaster preparedness and response, post-disaster recovery and disaster risk reduction.

Pursuant to resolution 57/150, the report also includes an update on the activities of the International Search and Rescue Advisory Group since December 2002.

* A/60/150.
** The report was delayed for technical reasons.

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I. Introduction

1. In the present report, the expression "natural disasters" will not be used, as it conveys the mistaken assumption that disasters occurring as a result of natural hazards are wholly "natural", and therefore inevitable and outside human control. Instead, it is widely recognized that such disasters are the result of the way individuals and societies relate to threats originating from natural hazards. The nature and scale of threats inherent in hazards vary. The risks and potential for disasters associated with natural hazards are largely shaped by prevailing levels of vulnerability and measures taken to prevent, mitigate and prepare for disasters. Thus, disasters are, to a great extent, determined by human action, or the lack of it. The expression "disasters associated with natural hazards" will therefore be used, in line with the Hyogo Framework for Action adopted at the World Conference on Disaster Reduction, held in Kobe (Hyogo, Japan) from 18 to 22 January 2005.

2. The incidence and severity of disasters associated with natural hazards continue to increase. Among the main causes are climate change, environmental degradation, increasing levels of vulnerability, inappropriate development patterns and inadequate mitigation and preparedness systems. Furthermore, factors such as climate change, economic globalization and increased air travel are contributing to new trends that highlight the need for a global perspective in relation to disasters, many of which have origins and impacts of a global nature.

3. The number of people and assets affected by disasters is also on the rise, with dramatic consequences for lives, livelihoods and hard-won development gains. According to the Centre for Research on the Epidemiology of Disasters, the economic costs of disasters associated with natural hazards have increased fourteen-fold since the 1950s.

4. The close link between disasters and inappropriate development models is well documented. Unsustainable development patterns can generate new disaster risks. Urbanization and the concentration of people in hazard-prone areas are but two examples. Disasters are also closely correlated with poverty, as low-income countries are disproportionately affected by them. Poor people tend to be more exposed to threats and are less able to absorb the shocks inherent in disasters. People with few resources or alternatives are also less able to recover from disasters.

5. In this context, it is clear that existing and future levels of risk will slow down or undermine efforts to achieve the Millennium Development Goals. In addition, any progress made in reaching the goals will not automatically contribute to a reduction in human vulnerability to natural hazards. The international community must therefore ensure that well-meaning efforts to increase social and economic development do not inadvertently increase disaster risk.

6. The tight link existing between disasters, unsustainable development and weak governance points to the fallacy of the distinction that is usually made within the humanitarian community between disasters associated with natural hazards and other types of emergencies that necessitate humanitarian action. In all cases, the way in which societies are organized is a key determinant of vulnerability levels and of whether these result in the need for humanitarian assistance. In all cases, upheaval, or the breakdown of coping mechanisms, stems from inequitable or unsustainable

patterns of resource distribution. In sum, disasters associated with natural hazards are best viewed as human-induced phenomena that exacerbate human vulnerability.

7. A growing number of countries are faced with multipronged crises where disasters associated with natural hazards and complex emergencies reinforce and feed into one another. This was the case, most visibly in recent years, in the Bahr el Ghazal famine in southern Sudan in 1997-1998 and in the drought in Afghanistan in 1999-2001. In both cases, the long-standing conflict led to the collapse of local livelihoods (either directly or indirectly, owing to the collapse of the local economy), which in turn reduced the resilience of the local population to natural hazards. In such situations, affected households often have no other recourse than to adopt coping strategies that increase vulnerability to natural hazards, for instance by cutting trees to produce charcoal, thereby contributing to deforestation. Conversely, some disasters have been instrumental in aggravating societal tensions, as was the case in Nicaragua after the 1972 earthquake.

8. Disasters may be both a consequence and a cause of environmental degradation. Urban and agricultural frontier expansion have transformed surrounding environments in ways that generate new hazard patterns. Seismic hazards may be significantly greater on reclaimed wetlands and on landfills than in other areas of an urban centre. The destruction of mangroves in coastal areas may increase hazards associated with storm surge. Human settlements in watersheds may modify hydraulic systems and destabilize slopes, thereby increasing flood and landslide hazards. In addition, in many areas the hazards of natural origin interact with those of technological and human origin, such as inadequate waste disposal in riverbeds, industrial waste and mine tailings. Conversely, major disasters, or the accumulation of risk from smaller but regular events, may cause environmental problems that impact on livelihoods and development options, for example where biodiversity is undermined.

9. Women and men, boys and girls are affected differently by disasters: they have different levels of exposure to risk, risk perception and preparedness; the physical and psychological impact of the disaster on them differs, as do their needs in the response, recovery and reconstruction phases. The differential impact of disasters should be borne in mind and addressed by Governments and the international community during all phases, and most importantly during recovery.

II. The year in review

A. Disasters associated with natural hazards

10. The reporting period (July 2004 to June 2005) was dominated by the Indian Ocean tsunami, which accounted for the overwhelming majority of recorded deaths, although for only a small percentage of the persons affected. According to the Centre for Research on the Epidemiology of Disasters, during this period 242,793 lives were lost as a result of disasters associated with natural hazards, with 226,408 people killed by the Indian Ocean tsunami alone. More than 158 million people worldwide were injured, displaced or otherwise adversely affected by disasters associated with natural hazards, with reported economic damage totalling $94 billion.

11. On 26 December 2004 a massive earthquake measuring 9.0 on the Richter scale struck the west coast of northern Sumatra, Indonesia, followed by numerous and often severe aftershocks. The quake triggered powerful tsunamis that wrecked coastal areas of India, Indonesia, Maldives, Sri Lanka and Thailand. The tsunami also affected Myanmar, Seychelles, Somalia and Yemen. On 28 March 2005, a powerful aftershock measuring 8.7 on the Richter scale struck the west coast of Sumatra; the islands of Nias, Simeulue and Banyak were the worst affected. The impact of the disaster and the response to it are detailed in the report of the Secretary-General on the strengthening of emergency relief, rehabilitation, reconstruction, recovery and prevention in the aftermath of the Indian Ocean tsunami disaster (A/60/86-E/2005/77).

12. Disasters as a result of flooding continued to affect the largest number of people worldwide (132 million). In July 2004, heavy monsoon rains caused extensive flooding in a large area of Bangladesh. The floods killed more than 600 people, displaced 1.7 million and affected as many as 34 million people, destroying nearly 1 million houses and more than 1.4 million acres of farmland.

13. The 2004 hurricane season was particularly harsh in the Caribbean. Four hurricanes — Charley, Frances, Ivan and Jeanne — caused damaging floods between August and October. Ivan, the most powerful hurricane to hit the region in a decade, strengthened into category 4 as it struck Grenada, bringing sustained winds of 220 kilometres per hour. About 90 per cent of Grenada's homes were damaged and some 60,000 people were left homeless. Tropical storm Jeanne became a hurricane after passing over Puerto Rico, and then weakened as it moved across the island of Hispaniola. In the Dominican Republic, some 38,000 people were displaced; bridges, highways and the water supply system were damaged. In Haiti, the eastern coastal city of Gonaïves was the most severely affected; 1,500 people were killed and 300,000 were injured or suffered property damage. The flood waters did not recede for months owing to drainage problems. Because of the long-standing political and social conflict, significant degradation of the natural environment, and the considerable losses resulting from the floods of May 2004, Haiti was not able to cope with the consequences of the disaster and required significant international assistance.

14. In November-December 2004 a series of typhoons and storms triggered landslides and flash floods in the Philippines, leading to over 1,000 deaths and more than 500 persons reported missing, and causing widespread damage, particularly on the eastern coast of the main island of Luzon. Houses, infrastructure and agricultural crops were flattened and covered by a thick layer of mud, fallen trees and logs.

15. In January 2005, torrential rains caused severe flooding in the densely populated coastal regions of Guyana, including the capital, Georgetown. Over 300,000 people — almost half of the country's population — were affected, of whom one third were children under nine years of age. The flooding was compounded by drainage problems resulting from limited pumping capacity and poor maintenance of drainage systems.

16. Early in 2005 most of the Central Asian region suffered from adverse weather conditions; heavy rains and snowfall were reported throughout Afghanistan, Pakistan and Tajikistan. In Pakistan up to 700,000 persons were affected and 486 died. In the northern areas of the country heavy snowfalls led to avalanches that left several mountain villages and a total of 140,000 persons isolated. In western

Pakistan nearly three weeks of heavy rains resulted in severe flooding, which in turn led to the collapse of a major dam in Sind province. In Balochistan province up to 80 per cent of the crops were lost. Although the Government of Pakistan did not officially request international assistance and provided over $2.3 million worth of relief aid, the international community contributed more than $4 million worth of assistance.

17. Eastern and southern Tajikistan also experienced heavy snowfall, with nearly 2 million people affected in the Rasht valley. Heavy rains in the Khatlon region further damaged the infrastructure that had already been adversely affected by high levels of snowfall. Although the scope of the disaster was daunting, the rapid response of the Government and the international community ensured that casualty rates remained low, with 16 confirmed deaths.

18. In Afghanistan, severe weather conditions early in 2005 led to the death of over 100 people. Heavy snowfall closed several key link roads, hampering the delivery of badly needed foodstuffs to populations in the south.

19. From April to December 2004, large swarms of desert locusts destroyed millions of hectares of crops and grazing land in 10 West and North African countries. In some areas of Burkina Faso, Chad, Mali, Mauritania, Niger and Senegal, the price of food — especially millet — doubled, while prices for undernourished cattle and other livestock plummeted. Although repeated warnings were issued well in advance, donor support for dealing with the infestation picked up only after the destruction was well under way. The strategy adopted concentrated on fighting the pest, and insufficient attention was given to mitigating the impact of the infestation on local livelihoods and the environment. While this locust infestation was the worst in a decade, the problem is a recurrent one that calls for a more systematic, preventative approach.

20. On 22 February 2005, an earthquake measuring 6.4 on the Richter scale struck the Zarand district in Kerman province of the Islamic Republic of Iran. The earthquake caused extensive damage to an area of 1,000 square kilometres inhabited by some 75,000 people, directly affecting more than 32,000 people. Fifty villages were damaged, some were completely destroyed, 612 people were confirmed dead and 1,500 were injured. The Government of the Islamic Republic of Iran was quick to mobilize search and rescue teams as well as the national network of non-governmental organizations and the Red Crescent society to meet the immediate needs of the affected population. No appeal was issued but several United Nations agencies provided immediate relief assistance.

21. Chronic disasters such as health epidemics, drought and famine continued to take a heavy toll on the populations of developing countries. Droughts alone affected more than 20 million people worldwide. In August 2004, the drought in Afghanistan entered its sixth year as rain and snowfall remained significantly below average. While most of the country was affected by the drought, 14 provinces were acutely affected and up to 37 per cent of the population — or 11.1 million people — were not able to cover their basic food and other needs. The drought further exacerbated the already high level of vulnerability of the population, which has been subjected to nearly 25 years of conflict.

22. In the Horn of Africa, West Africa and Southern Africa, natural hazards — including drought, erratic rains, locust infestation and floods — coupled with

chronic problems such as poverty, conflict, poor governance and HIV/AIDS, affected millions of people, including farmers, pastoral and agropastoral groups. As a result, over 12 million people in the Horn of Africa, over 7 million in West Africa, and 10 million in Southern Africa will require food assistance in 2005. In several countries, including Mali, Mauritania and Niger, vulnerable populations suffered from severe malnutrition. The combination of recurrent natural hazards and chronic problems calls for comprehensive and multi-level responses.

23. In March 2005 an epidemic of Marburg haemorrhagic fever was declared in Angola. By late June 2005, 392 cases and 354 deaths had been recorded, making it the deadliest and most intense outbreak of Marburg fever ever. There is no cure available and the lethality of the virus in this case is 90 per cent. Neither the source of the outbreak nor the reservoir where the virus hides between outbreaks is known. Inadequate health-care facilities, undertrained staff and insufficient medicine and equipment initially contributed to worsening the situation. Hospital-borne transmission of the virus scared people away from the main hospital in Uige city, leaving the sick and the dead — who are highly contagious — to be cared for in their communities. Regaining the local population's trust proved extremely difficult, despite intense social mobilization efforts, the involvement of traditional leaders and healers and a targeted campaign to end widespread risk behaviours such as funeral rituals or the multiple use of syringes. Although the virus remains contained in Uige and has not spread nationwide, the cycle of transmission has not been stopped and the virus is still active.

24. While large-scale disasters such as the Indian Ocean tsunami attracted great international attention, most of the disasters that took place in the reporting period were smaller in scale and as such did not make international headlines. Regrettably, the international community continued to favour high-profile emergencies at the expense of less visible disasters that were far from the media or political spotlight, and where the brunt of the response and recovery effort was borne by the affected communities and countries. This trend was clearly reflected in funding patterns. For instance, while donors provided 82 per cent of the $1.26 billion dollars requested in the United Nations appeal for the Indian Ocean tsunami, the appeal to help drought victims in Djibouti brought in only 5.3 per cent of the 7.5 million dollars required. The tsunami disaster starkly demonstrated that extraordinary levels of funding are achievable, provided there is political commitment and will. "Low-profile" disasters deserve greater attention, not only because they cause massive human suffering, but also because they impose heavy losses and set back development in low-income and the least developed countries. As these disasters tend to occur or recur over a long period of time, they need to be addressed from a longer-term perspective.

B. World Conference on Disaster Reduction

25. The World Conference on Disaster Reduction, held in Kobe (Hyogo, Japan) from 18 to 22 January 2005, represents a landmark in worldwide understanding of the need to implement a disaster reduction agenda in a comprehensive manner, covering prevention, mitigation, preparedness, response and recovery. Such an understanding is captured in the Hyogo Declaration and the Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters, which were adopted at the Conference. The Hyogo Framework for Action complements the Yokohama Strategy for a Safer World (1994) by identifying the

collective and individual roles and responsibilities of key parties in its implementation and follow-up. The Conference and its follow-up are discussed in greater detail in the report of the Secretary-General on the implementation of the International Strategy for Disaster Reduction (A/60/180).

III. Key challenges

26. National Governments, local institutions and affected communities have primary responsibility for disaster management. These actors are best placed to recognize and address disaster risk accumulation in their own environment, and represent the first line of response in case of disaster. The importance of active participation in disaster management by local communities in particular has been widely recognized.

27. In this context, the role of the international community is first and foremost to support and strengthen local, national and regional capacities for disaster management. While this proposition is widely accepted, in practice many international actors continue to have difficulties in envisaging their role as primarily a supporting one. As far as the United Nations is concerned, the overarching constraint is the lack of sufficient human and financial resources for risk reduction and disaster management.

A. Disaster preparedness

28. Notwithstanding some worthwhile gains in the past decade, much needs to be done to reach a satisfactory level of preparedness. The level of commitment and the resources available for preparedness remain inadequate at both the national and the international level.

29. While the preparedness of disaster-prone countries needs to be enhanced at all levels, particular emphasis should be placed on the community level, as local communities are the first and primary actors in the early relief efforts. Activities aimed at raising the level of preparedness of local communities should take due account of local realities, indigenous coping mechanisms and perceptions of risk.

30. Regional organizations play an important role in disaster preparedness. In the eastern Caribbean, a regional initiative — the Eastern Caribbean Donor Group — has been established to support the coordination of external emergency assistance in case of a major natural or technological disaster. Each year before the hurricane season, an operations order is revised to channel assistance by international organizations and donors to affected countries. In June 2005, a regional meeting was held in Cuba to discuss the level of preparedness of the countries of the region and to update their emergency plans.

31. The continued lack of adequate funding for preparedness is troubling. Paradoxically, it is still much easier to mobilize support for post-disaster relief efforts than for preparedness and mitigation activities that would avoid or minimize the loss of life and the destruction of vital assets and infrastructure. This is in part due to the fact that in both United Nations and donor budgets, funding for preparedness falls in between humanitarian budgets, from which response funds are

drawn, and development budgets, from which funding for other aspects of disaster management is drawn.

Institutional and legal framework

32. Disaster risk reduction competes with a variety of national priorities and development needs, and often receives little attention in budgeting and resource allocation. The main challenge is therefore to promote or strengthen lean but effective institutional frameworks that recognize the role and contribution of each stakeholder through a process of participation, empowerment and knowledge sharing at all levels.

33. Embedding disaster preparedness, response and risk management mechanisms into national governance structures is a process that requires years of sustained support and commitment from the international community and national Governments. Alternative solutions to the traditional project approach, with a usual duration of two to three years, must be explored. One approach is to mainstream disaster preparedness and risk reduction concerns into broader governance and poverty reduction programmes that are likely to run in longer cycles, and to boost the capacities and engagement of high-risk countries with the deployment of disaster response and risk reduction advisers.

34. Disaster-related legislation and regulatory frameworks — within the context of strengthened national systems — are essential to creating an enabling environment for disaster risk reduction. Legal reform processes are therefore a necessary component of any disaster-related capacity-building endeavour.

Standby arrangements

35. While international standby arrangements — such as the United Nations Disaster Assessment and Coordination (UNDAC) teams and those under the auspices of the International Humanitarian Partnership — are well developed, the need to establish similar intergovernmental mechanisms in disaster-prone regions is only beginning to be recognized. The Asia-Pacific Humanitarian Partnership, comprising Australia, China, Japan, New Zealand, the Republic of Korea and Singapore, is in the process of being established. Discussions have also commenced concerning the creation of similar support mechanisms in the Americas region. International support for the development of standby arrangements in disaster-prone countries is still insufficient, however.

Contingency planning

36. Contingency planning is a demanding exercise. The main challenges lie on the one hand in overcoming doubts about the usefulness of the exercise, and on the other hand in institutionalizing, operationalizing and continually developing such plans. Contingency planning should be seen as an ongoing preparedness mechanism rather than as a one-off exercise. Emphasis should be placed not only on the planning phase, but also on building local capacity to operationalize the plan. Often contingency plans are developed in isolation, without any linkage to national disaster preparedness plans or the contingency plans of the United Nations country team or individual international organizations. In order to link national and United Nations contingency plans in a more systematic way, contingency planning exercises should be organized on a regular basis with the participation of all relevant

actors. This would allow stakeholders to identify possible gaps and coordinate better among themselves.

37. Humanitarian contingency planning has become standard practice among United Nations actors in the field, including United Nations country teams. This marks a radical change in modus operandi within the United Nations system at global, regional and country levels. Contingency planning tools will need to be continually enhanced to meet the growing challenges faced in the field, particularly in terms of standardizing the application of the planning process, ensuring that follow-up actions are carried out, and involving communities and governments.

Early warning

38. In order to be effective, early warning systems should address multiple hazards, be people-centred and include awareness-raising activities. It is essential to focus on the local level, helping communities and local governments to take simple disaster mitigation measures and put elementary early warning and evacuation systems into place. These systems should consist of basic communication chains that can best ensure that the warning is received, communicated and acted upon by the affected communities.

39. The newly established Humanitarian Early Warning Web Service (www.hewsweb.org), presented at the World Conference on Disaster Reduction, was developed under the leadership of the World Food Programme (WFP) Sub-Working Group on Preparedness and Contingency Planning of the Inter-Agency Standing Committee. It represents the first global clearing house for early warning information on natural hazards. The Sub-Working Group is currently discussing with national and regional bodies the possibility of using this Web service to support local capacities and structures.

Awareness-raising

40. Experience shows that local communities are often keenly sensitive to the threat of disasters, but are uncertain how best to protect themselves from their impact. More systematic efforts are needed to empower local and national Governments to raise communities' awareness of their exposure to hazards and of means to protect themselves and their assets and to reduce risk. These efforts should build on local knowledge and involve the formal and non-formal education systems, the media and other relevant actors.

B. Disaster response

41. The principle of subsidiarity of international assistance is well established, and entails that the Government of the affected country not only has primary responsibility for assisting the victims of a disaster, but also has the authority to coordinate and direct all available assistance.

42. The international community should therefore make it a priority to strengthen the response capacity of disaster-prone countries. International support to Governments can serve as an opportunity to improve the population's faith in the Government, as well as to enhance Governments' capacity to respond to future disasters.

43. Regional organizations in disaster-prone regions can play an important role in disaster response, as they have unparalleled knowledge of local conditions and prior relationships with national decision makers. The level of involvement of regional organizations in disaster response has so far been mixed, however. While some organizations have developed disaster response mechanisms, others have not paid much attention to disasters affecting their region.

44. The international emergency response system plays an important role in major disasters, when the capacity of affected countries to cope is overwhelmed. In line with the principle of subsidiarity, international actors should refrain from delivering assistance without prior consultation with, and the explicit consent of, the Government. They should also seek to strengthen established coordination mechanisms, rather than bypassing them.

45. One of the main challenges faced in the interaction between national and international relief actors is the lack of a common approach and of a shared understanding of terminology, definitions and standards. National authorities often have limited knowledge of the complexity, culture and working procedures of the international system, while international agencies and individual aid workers have little knowledge of — and often little consideration for — the specific context in which they operate.

46. The participation of beneficiaries in the planning and implementation of relief programmes remains largely insufficient. Specific mechanisms should be devised to enhance the accountability of all providers of relief assistance to beneficiaries. The provision of assistance should be driven solely by the needs of the affected populations, rather than by the priorities of the providers.

Role of the Governments of affected countries in coordinating relief assistance

47. Governments of affected countries often face great difficulties in coordinating national and international relief assistance. The large number of often diverse actors creates acute coordination challenges, particularly during the first weeks of the response to a sudden-onset disaster. Local authorities are often themselves weakened by human and material losses, and often have to cope with unclear reporting lines and interference from various government bodies. Some non-governmental actors are unwilling or unaware of the need to coordinate. Even international organizations with a long history of involvement in humanitarian operations at times take initiatives without prior consultation, in some cases bypassing the Government. At times, the coordination mechanisms put in place by Governments are weak, which encourages some actors to take unilateral action.

Role of the United Nations in coordinating international assistance

48. The United Nations Resident Coordinator plays a key role in coordinating international assistance. The Resident Coordinator reports to the Emergency Relief Coordinator during the emergency and is backed by the disaster management team, which should mirror the structure of the Inter-Agency Standing Committee and include the Red Cross movement and representatives of non-governmental organizations. The capacity of United Nations country teams to coordinate international assistance remains uneven, however. The Office for the Coordination of Humanitarian Affairs (OCHA) and the United Nations Development Programme have conducted training programmes, particularly in the Latin American and

Caribbean regions, to enhance such capacity; they should be replicated elsewhere, with broader participation.

Civil-military relations

49. The Indian Ocean tsunami disaster highlighted once again the importance of effective coordination between humanitarian and military actors at the local, national and international levels. Cultural and operational differences between the two sets of actors, insufficient understanding of military command structures and inadequate information-sharing can lead to suboptimal and in some cases ineffective coordination. The absence of joint planning may give rise to gaps or duplications in relief efforts. Ensuring the most effective use of military and civil defence assets requires well-defined roles and responsibilities, clear channels of communication, respect for humanitarian space and principles, and an appropriate level of sensitivity within the context of the operating environment.

Administrative bottlenecks

50. By its resolution 57/150, the General Assembly urged Member States to simplify and reduce administrative procedures relating to the entry, deployment and exit of international urban search and rescue teams together with their supplies and equipment. A number of obstacles still exist to the import, transport and distribution of relief goods, the entry and freedom of movement of disaster response organizations and their personnel, and the exchange of disaster-related information. Governments of disasters-prone countries should adopt and — when applicable — update or streamline national procedures for requesting, receiving and coordinating the inflow of international relief teams, services and supplies. A useful tool for facilitating the delivery of relief consignments in response to disasters is the model customs facilitation agreement (text at www.reliefweb.int/ocha_ol/programs/response/custnet/model_en.html). Negotiated ahead of time, this agreement ensures that appropriate procedures are in place when needed.

Telecommunication

51. Information and telecommunication technology plays a key role in disaster response. The Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, currently ratified by 31 States, entered into force on 8 January 2005. All Member States are strongly encouraged to ratify the Convention and include appropriate standard operating procedures in national legislation to allow unhindered importation and use of emergency equipment and related human resources for relief efforts. Member States should also develop emergency response telecommunication capacities and establish rosters of telecommunication resources to be made available during emergencies.

Engaging the private sector

52. The Indian Ocean tsunami disaster resulted in an unprecedented influx, at all levels of the relief effort, of goods and services from the corporate business community. The opportunity exists to better engage businesses in emergency relief efforts in other parts of the world as well. The United Nations should enhance its capacity to cooperate with the private sector by clarifying internal processes and devoting greater resources to working with businesses. Rapidly matching donation offers with needs is one of the greatest challenges. The creation of a transparent and

fair process, the adoption of clear guidelines (e.g. concerning issues legal issues), the negotiation of standby agreements with companies and improved information-sharing among agencies are ways in which the humanitarian community can better leverage business potential in disaster response.

Mobilization of international emergency funding

53. Current procedures for the mobilization of international resources through the issuance of flash appeals have proved their effectiveness. Further strengthening and standardization of these procedures should continue to receive priority attention. The efficiency of flash appeals could be strengthened by quicker and better needs assessment and a better media strategy, coupled with stronger means to record contributions and monitor their use. Within the context of the United Nations reform, options for more predictable and rapidly deployable resources for humanitarian crises are being considered. In its resolution 2005/4 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations, the Economic and Social Council highlighted the need for enhanced funding mechanisms and recommended to the General Assembly that the Central Emergency Revolving Fund be improved.

C. Post-disaster recovery

54. The recovery process represents a shift in focus from saving lives to restoring livelihoods, building resilience and reducing vulnerability. Experience shows that it is possible to close the gap between relief and development and transform disasters into opportunities for sustainable development. This is the case when efforts are made to support local and national recovery processes at an early stage; when risk reduction considerations are factored into all response and recovery activities including reconstruction planning; and when the synergies between development, humanitarian and other actors involved in the response phase are properly captured.

55. Adequate attention should be paid as early as possible to the recovery effort. The first challenge is to help the affected populations get back on their feet by quickly providing them with opportunities to earn a living. This may be achieved by using local materials for reconstruction, engaging the local workforce (both men and women) in the reconstruction effort and providing equipment, training and microcredit to kick-start local industries, farming, fishing and small businesses. Recovery is more effective when, from the very start, relief operations are undertaken with recovery in mind, so that there is a seamless transition to longer-term recovery interventions. It is important that, from the outset, the goal is to reduce risk while simultaneously creating sustainable livelihood options. The issue of recovery is discussed at greater length in the report of the Secretary-General on the transition from relief to development (A/60/89-E/2005/79).

Planning

56. The participation and active involvement of local communities, institutions, and affected individuals — both women and men — in the planning of recovery efforts is essential. Recovery programming should be based on a sound, participatory assessment of the needs and capacities of the affected population, so that local initiatives, resources and capacities are fully understood and used. This

process should be demand-driven and designed to reach the most vulnerable population. External technical assistance must complement existing capacities, be conceived as supportive and not directive, and entail a transfer of technology, know-how and capacities for increased resilience, risk management and sustainable development.

Coordination

57. Coordination and information-sharing between national and international actors involved in recovery activities are essential to avoid duplications and gaps and to optimize available resources. Information exchange and coordination mechanisms established during the emergency phase must be maintained and enhanced. They should serve as a platform for permanent dialogue and consensus-building between government agencies, civil society, international organizations, donors and lending institutions, where priorities are defined and an adequate picture of roles and responsibilities is drawn and systematically updated.

58. Despite some achievements to date, coordination of recovery efforts remains a challenge and points to the need for more structured and systematic support by the international community so that national and local authorities are in a position to lead the recovery process in a way that maximizes all available support. The recent initiation of the International Recovery Platform that is geared, in part, to assist in the development of common processes and tools for recovery planning and programming, within the larger context of strengthening national capacities, should help to address some of the factors that complicate efforts to bring about strategic and well-coordinated sustainable recovery programmes.

Integrating risk reduction into recovery

59. During the recovery period an important window of opportunity exists for integrating risk reduction concerns into recovery processes. Too often, however, societies affected by a major disaster tend to seek rapid and visible initiatives to restore normalcy, frequently at the cost of more sustainable and durable solutions that truly address the root causes of the disaster. Too often, this "tyranny of haste" works against responsiveness to the different needs of specific segments of the affected population, reducing the likelihood that opportunities for change, risk reduction and sustainable development will be grasped. It is essential to ensure that recovery and reconstruction efforts do not reconstruct pre-disaster risks that contributed to the disaster in the first place, but aim at creating more sustainable livelihoods.

60. Some successes can be reported following the most recent major disasters. In the aftermath of the 2004 hurricanes, the Government of Grenada issued a disaster reduction policy that introduced risk reduction into the whole recovery process. Recovery priorities workshops and sectoral round tables served to ensure the inclusion of risk reduction in sectoral recovery planning. The early recovery frameworks developed in Indonesia, Maldives and Sri Lanka following the Indian Ocean tsunami included disaster reduction from the very early stages.

Gaps in capacities and system-wide mechanisms

61. A vacuum currently exists in terms of capacities and United Nations system-wide mechanisms to support post-disaster recovery. Gaps include areas such as

understanding differences between men's and women's vulnerabilities and their needs following a disaster; suitable assessment methodologies for identifying early recovery needs; and predictable mechanisms for the deployment of technical experts to support recovery planning and programming and the funding of key recovery and vulnerability reduction interventions in a timely fashion. In an attempt to address the planning, funding and knowledge gaps in recovery, United Nations and non-United Nations partners have embarked on the establishment of an International Recovery Platform. The Platform is designed to provide a coordination framework and network for recovery efforts; facilitate the dissemination of lessons learned and the development of common tools and mechanisms for recovery needs assessment, strategy development and programming; provide advice and support on the formulation of recovery plans and programmes; strengthen national capacities for recovery; and facilitate South-South cooperation among disaster-prone countries.

Resource mobilization

62. International assistance tends to reach its peak in the immediate aftermath of a disaster. Subsequently, funding levels dramatically drop, so that in most disaster settings insufficient resources are available to support the recovery phase. In the aftermath of the Indian Ocean tsunami, the international community generously contributed resources for early recovery through the flash appeal. The flexibility with which this mechanism was used made it possible to raise resources in the sectors of shelter, livelihoods, microinfrastructure and the environment, thereby allowing for the implementation of recovery plans and programmes without delay. India and Thailand, which did not participate in the flash appeal, reported great difficulties in raising resources for recovery purposes.

D. Disaster risk reduction

63. In order to reduce disaster risks, countries and communities must first identify risk factors, decide what level of risk is acceptable, and then take steps to reduce risks or transfer them away from affected areas. Risk identification involves not only estimating the probabilities of hazard events of differing severities, but also identifying the factors that make socio-economic systems vulnerable to hazards. Very often, there is little that can be done to affect the behaviour of hazards. Risk reduction, therefore, entails reducing vulnerability to hazards.

64. The more risks are reduced, the easier to transfer some portion of the remaining risk from affected populations to insurers or investors through a variety of financial mechanisms that have been developed specifically for this purpose.

65. Disaster risk reduction requires national and community action on a wide range of fronts, including technical and institutional capacity, appropriate policies, and investments designed to bring risks to acceptable levels at an acceptable cost. Supporting the development of such capacity is perhaps the single highest priority on the international disaster reduction agenda. The subject of risk reduction is discussed at greater length in the report of the Secretary-General on the implementation of the International Strategy for Disaster Reduction (A/60/180).

IV. Update on the activities of the International Search and Rescue Advisory Group

A. Responding to earthquakes

66. Since December 2002, international urban search and rescue teams belonging to the International Search and Rescue Advisory Group (INSARAG) network from all regions of the world have responded to earthquakes in Boumerdes, Algeria (May 2003), Bam, Islamic Republic of Iran (December 2003), Al Hoceima, Morocco (April 2004) and the Indian Ocean (December 2004), using the deployment and coordination procedures agreed upon in the INSARAG guidelines. The urban search and rescue response was rapid and effective in all disasters. In the aftermath of the response effort, the INSARAG secretariat, located in the Office for the Coordination of Humanitarian Affairs, organized lessons-learned meetings with the participation of international responders and the Governments of the affected countries. Participants evaluated the applicability of the INSARAG methodology in all phases of the response operation and made recommendations for improving the methodology that were later incorporated in the INSARAG guidelines. The meetings resulted, among other things, in an exchange of letters between the European Commission and the Office for the Coordination of Humanitarian Affairs defining the coordination concepts of these organizations in countries outside the European Union, and confirming the INSARAG guidelines as the standard for international coordination in earthquakes.

B. Earthquake response exercises

67. The INSARAG secretariat, supported by the Governments of Colombia, the Philippines and Armenia, organized earthquake response exercises in the earthquake-prone cities of Bogotá (October 2003), Manila (January 2004) and Yerevan (June 2005). During the exercises, national authorities practised the modalities of handling and coordinating incoming international urban search and rescue teams. The exercises enabled international response teams from the respective regions to work closely with national authorities of earthquake-prone countries in accordance with the INSARAG guidelines. The INSARAG methodology was also introduced and practised in the earthquake exercises led by the North Atlantic Treaty Organization in Uzbekistan (April 2003) and by the European Union in Austria (October 2004), as well as in an exercise held in Geneva in April 2005 in the framework of the regional INSARAG network of Austria, Germany and Switzerland. More than 50 countries and disaster response organizations from all regions of the world participated in the exercises.

C. Regional disaster response preparedness activities

68. The INSARAG secretariat, supported by the respective host Governments, organized INSARAG regional meetings in Kobe, Japan (November 2003), Tunis, Tunisia (April 2004), Lima, Peru (August 2004), Singapore (September 2004) and Geneva (April 2004). The regional meetings were attended by disaster management officials from disaster-prone and responding countries in the region. Regional INSARAG meetings provide a platform for decision makers and senior disaster

managers to discuss regional cooperation, with an emphasis on national capacity-building for emergency response preparedness.

69. The INSARAG secretariat, supported by the Governments of the Republic of Korea and Singapore, organized worldwide meetings of international search and rescue team leaders in Seoul (November 2003) and Singapore (September 2004) to enable practitioners to discuss technical and operational collapsed-structure rescue issues, with the aim of improving performance standards of international teams and their on-site coordination during emergencies. The secretariat also conducted training courses in Hungary (February 2004), Tunisia (February 2004 and April 2005), Indonesia (May 2004) and Estonia (November 2004), in which the INSARAG methodology was introduced to disaster managers at all administrative levels of some 40 disaster-prone countries.

70. In order to facilitate the absorption of INSARAG methodology in Arabic and French-speaking countries of North Africa and the Middle East, in April 2004 the Governments of Tunisia, Switzerland and Germany, in cooperation with the INSARAG secretariat, established an INSARAG regional antenna office in Tunis to translate INSARAG documents into Arabic and French and disseminate them in the region.

D. Guidelines of the International Search and Rescue Advisory Group

71. In order to ensure their wide distribution and use within the INSARAG network, the INSARAG guidelines have been translated into Arabic, Chinese, French, German, Japanese, Korean and Spanish. They were widely used by the international urban search and rescue community during the response to the earthquakes that occurred in the reporting period and in all of the earthquake response exercises mentioned above.

72. Between 2003 and 2005 the INSARAG guidelines were revised by an interregional working group. The revisions improved and updated the INSARAG coordination methodology by incorporating the lessons learned from recent earthquakes. The revised guidelines also include agreed standards for classification of international search and rescue teams according to their capabilities in collapsed-structure rescue. These will assist national authorities and the international community in improving the quality and timeliness of international urban search and rescue assistance.

E. Challenges and recommendations

Stopping the deployment of excess international search and rescue teams

73. One of the major challenges facing the INSARAG community is to develop a system whereby responding Governments, on the basis of the advice of the United Nations Disaster Assessment and Coordination (UNDAC) team on site and the INSARAG secretariat, stop the deployment of additional international search and rescue teams when they are not required. Since teams are provided on the basis of bilateral agreements between affected and responding Governments, it is recommended that responding Governments follow the advice given by the

INSARAG secretariat. During the earthquake in Bam, Islamic Republic of Iran, the INSARAG secretariat had some success in stopping the deployment of teams through the use of the virtual on-site operations coordination centre.

Resolving administrative bottlenecks

74. By its resolution 57/150, the General Assembly urged States to simplify and reduce administrative bottlenecks that slow the entry, deployment and exit of international urban search and rescue teams with their supplies and equipment. So far, only New Zealand has clear guidelines on this issue. The Governments of Algeria, the Islamic Republic of Iran and Morocco did waive normal customs and immigration procedures to facilitate the arrival of international teams following the recent earthquakes in their countries. Other earthquake-prone countries must take action on this matter.

Safety and security of international staff

75. According to General Assembly resolution 57/150 and the INSARAG guidelines, it is the responsibility of States to ensure the safety and security of international search and rescue staff working in the country. In the high stress and emotional situation following an earthquake, Governments should pay particular attention to this matter. They should also include this issue in their national disaster response plans.

On-site coordination

76. Smooth on-site coordination in the event of a major disaster involving both national and international responders is a major challenge. UNDAC teams are routinely deployed to assist the local and national authorities in this respect. The earthquake in Bam, Islamic Republic of Iran, proved to be one of the better examples of on-site coordination as a result of close cooperation between the Government of the Islamic Republic of Iran, the Iranian Red Crescent Society and the UNDAC team. It is recommended that Governments of disaster-prone countries include the utilization of the UNDAC team in their national response plans and disaster response exercises.

V. Recommendations

77. **Relevant United Nations organizations and donor Governments should strengthen the capacity of disaster-prone countries in disaster mitigation, preparedness, response and post-disaster recovery within a disaster risk reduction framework, by supporting relevant initiatives in this field.**

78. **Regional organizations in disaster-prone regions should play a greater role in disaster risk reduction and management by devising regional-level programmes and by supporting the efforts undertaken by the countries of the region.**

79. **Relevant United Nations organizations and donor Governments should enhance the level of preparedness of disaster-prone countries, particularly at the local level, by significantly increasing funding for preparedness activities.**

80. All providers of relief assistance should take concrete steps to maximize the participation of beneficiaries in the planning and implementation of relief programmes.

81. All providers of relief assistance should devise concrete mechanisms to enhance the level of accountability to beneficiaries to ensure that the provision of assistance is based on the needs of the affected populations.

82. The United Nations should strengthen civil-military coordination mechanisms at both the headquarters and the field levels. The Organization should continue to develop and implement the United Nations humanitarian civil-military coordination concept to further consolidate the civil-military coordination system, including the development of national standby teams with Member States.

83. Relevant United Nations organizations and Member States should enhance the global capacity for sustainable post-disaster recovery in areas such as coordination with traditional and non-traditional partners; identification and dissemination of lessons learned; development of common tools and mechanisms for recovery needs assessment, strategy development and programming; and incorporation of risk reduction into all recovery processes. International financial institutions are encouraged to fully participate in such efforts so as to increase the overall effect of sustainable recovery practices.

84. Member States should implement the priorities set out in the Hyogo Framework for Action in support of the International Strategy for Disaster Reduction and, in particular, incorporate practical disaster reduction steps into sustainable development and poverty reduction strategies, as well as in disaster preparedness and response.

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Measures to eliminate international terrorism

Measures to eliminate international terrorism

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 50/53, entitled "Measures to eliminate international terrorism". Section II of the report contains information submitted by States and international organizations, describing their activities relating to the prevention and suppression of international terrorism. Section III contains a comprehensive inventory of the response of the Secretariat to terrorism, prepared pursuant to paragraph 21 of General Assembly resolution 59/46.

* A/60/150.

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I. Introduction

1. In its resolution 50/53, entitled "Measures to eliminate international terrorism", the General Assembly requested the Secretary-General to follow up closely the implementation of the Declaration on Measures to Eliminate International Terrorism (resolution 49/60, annex) and to submit an annual report on the implementation of paragraph 10 of the Declaration, taking into account the modalities set out in his report to the Assembly at its fiftieth session (A/50/372 and Add.1) and the views expressed by States in the debate of the Sixth Committee during that session.[1]

2. In paragraph 10 of the Declaration, the General Assembly requested the Secretary-General to assist in the implementation of the Declaration by taking, within existing resources, the following practical measures to enhance international cooperation:

> "(a) A collection of data on the status and implementation of existing multilateral, regional and bilateral agreements relating to international terrorism, including information on incidents caused by international terrorism and criminal prosecutions and sentencing, based on information received from the depositaries of those agreements and from Member States;
>
> "(b) A compendium of national laws and regulations regarding the prevention and suppression of international terrorism in all its forms and manifestations, based on information received from Member States;
>
> "(c) An analytical review of existing international legal instruments relating to international terrorism, in order to assist States in identifying aspects of this matter that have not been covered by such instruments and could be addressed to develop further a comprehensive legal framework of conventions dealing with international terrorism;
>
> "(d) A review of existing possibilities within the United Nations system for assisting States in organizing workshops and training courses on combating crimes connected with international terrorism."

3. By a note verbale dated 31 December 2004, the Secretary-General drew the attention of all States to General Assembly resolution 49/60 and the Declaration annexed thereto and requested them to submit, by 31 May 2005, information on implementation under paragraph 10 (a) of the Declaration. In the note verbale, the Secretary-General also noted that in the information to be submitted by States they might wish to give particular attention to paragraph 5 of Security Council resolution 1269 (1999). Furthermore, by a letter dated 31 December 2004, the Secretary-General invited relevant specialized agencies and other international organizations to submit information or other relevant material on implementation, pursuant to paragraph 10 (a) of the Declaration, by 31 May 2005.

4. As at 30 July 2005, replies had been received from Austria, Bahrain, Belarus, Bulgaria, Cambodia, Canada, Chile, Costa Rica, Cuba, Denmark, Finland, Italy, Jamaica, Mexico, Oman, Portugal, Saint Kitts and Nevis, the Sudan, Sweden, Switzerland, Tunisia, Turkey and Venezuela (Bolivarian Republic of). Several States referred to the information contained in their reports to the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001). The full texts of those reports can be found at http://www.un.org/Docs/sc/committees/1373.

5. Replies were also received from the following specialized agencies of the United Nations: the International Civil Aviation Organization, the International Maritime Organization, the International Monetary Fund, the World Health Organization and the World Meteorological Organization. The International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons also submitted replies. The following intergovernmental organizations also replied: the Collective Security Treaty Organization, the Council of Europe, the Organization for Security and Cooperation in Europe, the Organization of American States and the League of Arab States.

6. Sections II, IV and VI of the present report contain information about measures taken at the national and international levels, based on materials transmitted by the Governments and the international organizations mentioned in paragraphs 4 and 5 above. Section V describes recent developments related to General Assembly resolution 51/210. Section VII deals with the publication of a compendium of national laws and regulations regarding the prevention and suppression of international terrorism.

7. In its resolution 59/46, entitled "Measures to eliminate international terrorism", the Assembly requested the Secretary-General to make a comprehensive inventory of the response of the Secretariat to terrorism as part of his report on measures to eliminate international terrorism. Pursuant to that request, 39 Secretariat offices, departments and regional commissions, as well as programmes and funds, submitted information on their activities relating to the prevention and suppression of international terrorism, which is summarized in Section III.

8. With respect to paragraph 10 (c) of the Declaration, the present report does not contain an analytical review of existing international legal instruments relating to international terrorism. Such a review was included in the report of the Secretary-General submitted to the General Assembly at its fifty-first session (A/51/336, paras. 6-36). Several suggestions for possible further action contained in that review are being acted upon through the implementation of Assembly resolution 51/210, as discussed in section V below.

II. Measures taken at the national and international levels regarding the prevention and suppression of international terrorism and information on incidents caused by international terrorism

A. Information received from Member States[2]

Austria

9. Austria indicated that it had signed, ratified and implemented the 12 universal counter-terrorism instruments. It had also signed the Council of Europe Convention on the Prevention of Terrorism, in May 2005.[3]

10. Austria accorded great importance to the counter-terrorism activities of the United Nations Office on Drugs and Crime (UNODC) and had strongly supported the creation of the Global Programme against Terrorism. In 2002, it had pledged to provide $1 million to that Programme.

11. At the regional level, Austria, along with Belgium, France, Germany, Luxembourg, the Netherlands, and Spain, had prepared the text of the agreement on strengthening cross-border cooperation, especially in countering terrorism, organized crime and illegal migration, referred to as Schengen III, which was signed on 27 May 2005.

12. Austria is a party to the 1957 Council of Europe Convention on Extradition and its second Additional Protocol. At the bilateral level, where no other treaty provisions existed, Austria's extradition practice was based on the Extradition and Mutual Legal Assistance Act of 4 December 1979, which allowed for the extradition of suspected or convicted terrorists on the basis of reciprocity even in the absence of an applicable treaty.

13. Austria relied on the Aliens Act of 1997 in ensuring that immigrants and asylum-seekers had not engaged in terrorist activities. The Act regulates the entry, stay and residence of foreigners.

Bahrain

14. Bahrain provided the list of counter-terrorism instruments to which it was a party. It also stated that a draft law on combating terrorism and a draft law amending Decree No. 4/2001 on the Prevention and Prohibition of Money Laundering had been presented to Bahrain's Parliament for approval.

Belarus

15. Belarus informed the Secretariat that it was a party to 12 counter-terrorism instruments and to the Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism of 4 June 1999.[3]

16. In 2004, Belarus had ratified the protocol approving the statute on the procedure for organizing and conducting joint anti-terrorist measures in the territory of the States of the Commonwealth of 7 October 2002. It had also acceded to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

17. The House of Representatives of Belarus had passed, on 26 April 2005, an act amending and supplementing the Act on Measures to Prevent the Legalization of Funds Obtained by Illegal Means, aimed at strengthening the legal and regulatory framework for combating terrorist financing.

18. The Financial Monitoring Department of the State Monitoring Committee had been established and operated in accordance with Presidential Decree No. 408 of 14 September 2003. The Department was mandated to take measures to combat the laundering of proceeds of crime and the financing of terrorism.

19. Belarus, China, Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan had signed, in Moscow, on 6 October 2004, the constituent documents establishing the Eurasian Group on Money-Laundering and Financing of Terrorism.

20. Belarus had submitted five reports to the Counter-Terrorism Committee.

Bulgaria

21. Bulgaria informed the Secretariat that it had ratified the main universal counter-terrorism instruments, as well as the European Convention on the Suppression of Terrorism and the Protocol amending that Convention.[3]

22. Bulgaria also stated that it had adopted, in 2002, an act amending and supplementing its Penal Code, which provides for special *corpora delicti* for terrorism and the financing of terrorism, consistent with the counter-terrorism instruments of the European Union and the United Nations, as well as relevant Security Council resolutions. The amended Penal Code criminalizes forming, leading and being a member of a terrorist group, as well as preparing for or threatening to commit acts of terrorism. It also allows the confiscation, in part or in whole, of the property of perpetrators of terrorist crimes and of persons financing their activities.

23. The 2003 Act on Measures against the Financing of Terrorism provides for the freezing of funds, financial assets and other property likely to be used for terrorist purposes. The Act also prohibits the rendering of financial services, funds, financial assets or other property for the said purposes.

24. On 16 February 2005, the National Assembly of Bulgaria adopted a new Criminal Assets Forfeiture Act. That Act regulates the terms and procedure for imposition of injunctions and forfeiture to the exchequer of any assets derived, directly or indirectly, from criminal activities, on condition that those assets had not been restored to the aggrieved party or had not been forfeited to the exchequer or confiscated under other laws.

25. The Criminal Procedure Code of Bulgaria contains special sections on extradition and legal assistance in criminal matters (articles 435 to 441 and 461 to 466), which conform to the international standards in the area of judicial cooperation. These rules apply unless otherwise provided for in a treaty to which Bulgaria is a party. Moreover, extradition and legal assistance could also be provided on the basis of reciprocity. Bulgaria concluded bilateral agreements with South Africa and Turkey, in 2004 and 2005, respectively.

Cambodia

26. Cambodia presented the outline of its activities related to the implementation of counter-terrorism measures, which included legal and governing measures; information-gathering and information-sharing activities with national, regional and international authorities; an awareness campaign; and the strengthening of law enforcement.

Canada

27. Canada indicated that in addition to implementing Security Council resolutions related to terrorism, it had signed, ratified and implemented 12 counter-terrorism instruments. It was also working towards signing and ratifying the recently adopted International Convention for the Suppression of Acts of Nuclear Terrorism. Canada had ratified and implemented the Inter-American Convention against Terrorism.

28. Besides terrorist listing and freezing of terrorists' assets pursuant to Security Council resolutions 1267 (1999) and 1373 (2001), a number of terrorist-related

prosecutions had been undertaken in Canada. Since the adoption of the Canadian Anti-terrorism Act in 2001, one individual had been charged with participating in the activities of a terrorist group under the Criminal Code.

29. Prior to the adoption of the Anti-terrorism Act, terrorism-related prosecutions in Canada were dealt with under the relevant substantive offences, such as murder or hostage-taking. In this regard, two major homicide prosecutions had been undertaken since 2002, relating to the destruction of an Air India flight in June 1985. One prosecution had led to a conviction and the other to an acquittal.

Chile

30. Chile indicated that it had implemented the guidelines and measures contained in Security Council resolutions 1267 (1999), 1373 (2001), 1390 (2002) and 1526 (2004).

31. It was a party to all counter-terrorism instruments and had decided to sign the International Convention for the Suppression of Acts of Nuclear Terrorism. In 2004, Chile also ratified the Inter-American Convention against Terrorism.

32. In 1984, Chile adopted Act No. 18.314, which defined terrorist acts and established penalties for them. The Act had been amended on various occasions in response to developments at the national and international levels. In 2003, Act No. 19.906, which criminalized the financing of terrorism, had been promulgated. That Act set out penalties of up to three years imprisonment for persons who solicited, collected or provided funds to be used for the commission of an offence defined as terrorist.

33. Amendments to Act No. 17.798, on arms control, were adopted in May 2005, providing, inter alia, for more severe penalties for offences such as the carrying of weapons and strengthening the requirements for weapons acquisition.

34. Chile had submitted four reports to the Counter-Terrorism Committee. It had also submitted reports to the Security Council Committee established pursuant to resolution 1267 (1999).

Costa Rica

35. Costa Rica had established the Inter-Agency Committee of Terrorism, which was responsible for the distribution of information, coordination and policymaking in the area of counter-terrorism.

36. Three expert workshops on the drafting of legislation to implement universal counter-terrorism instruments and the Inter-American Convention against Terrorism were held in Costa Rica.

37. The 1974 International Convention for the Safety of Life at Sea had been approved by the International Affairs Committee of the Legislative Assembly and had been submitted for approval by the special session of the Assembly.

38. The Inter-American Convention against Terrorism had also been approved by the International Affairs Committee and was awaiting adoption by the Assembly.

39. Costa Rica reiterated its call for the establishment of a post of a United Nations high commissioner on terrorism. This proposal was designed to rationalize and better integrate the efforts currently being made by the various United Nations bodies such as the Counter-Terrorism Committee, the Committee established pursuant to resolution 1267 (1999), the Ad Hoc Committee established pursuant to

General Assembly resolution 51/210, the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights.

40. The proposed office of the high commissioner on terrorism would incorporate the mandates and the human and financial resources for combating terrorism which are currently dispersed among a number of United Nations bodies. It is suggested that the office would replace the Terrorism Prevention Branch, the Counter-Terrorism Executive Directorate and the Assessment and Technical Assistance Office of the Counter-Terrorism Committee. Furthermore, it would incorporate the counter-terrorism mandates and funding allocated to the Office of Legal Affairs, the Department of Public Information and the Office of the United Nations High Commissioner for Human Rights.

Cuba

41. Cuba expressed the view that the granting of pardons to notorious terrorists of Cuban origin, namely, Luis Faustino Clemente Posada Carriles, Gaspar Eugenio Jiménez Escobedo, Guillermo Novo Sampoll and Pedro Remón Rodriguez, by the President of Panama in 2004 was unwarranted.

42. Cuba also observed that the United States of America was under an obligation to ensure that Posada Carriles and his accomplices Santiago Álvarez, Fernández Magriña and Orlando Bosch, among others, who had been responsible for terrorist acts in Cuba and other parts of the world, including in the territory of the United States, were brought to trial.

43. Cuba also stressed that Luis Posada Carriles must be extradited to the Bolivarian Republic of Venezuela, which had formally requested his extradition and had given all the legal guarantees for a fair and impartial trial. Posada Carriles had been a fugitive from Venezuelan justice since 1985.

Denmark

44. Denmark informed the Secretariat that in 2004 the Danish Parliament had adopted Act No. 1434, on the enforcement of certain criminal law decisions in the European Union (EU). The Act implemented three EU framework decisions: Council Framework Decision 2003/577/JHA of 22 July 2003, on the execution in the European Union of orders freezing property or evidence; Council Framework Decision 2005/214/JHA of 24 February 2005, on the application of the principle of mutual recognition to financial penalties; and the Council Framework Decision on the execution in the European Union of confiscation orders. The three framework decisions were aimed at facilitating judicial cooperation in criminal matters among the EU member States, including on counter-terrorism matters.

45. On 22 October 2004, an Algerian national residing in Denmark was sentenced to four and a half years in prison for complicity in a robbery, the proceeds of which were to have been forwarded to a terrorist organization.

46. In November 2004, investigations were instituted in Copenhagen, against a Danish national of Moroccan origin who was suspected of violating section 114 (b) of the Danish Penal Code, concerning support to terrorism. The suspect was believed to have distributed video material calling, among other things, for a holy war. The investigations had not yet been concluded.

47. The Public Prosecutor for Serious Economic Crime was investigating two persons affiliated with the Al Aqsa Foundation organization. That investigation related to a suspicion regarding the organization's possible links to the funding of terrorism in Palestine.

Finland

48. Finland indicated that the Protocol amending the European Convention on the Suppression of Terrorism, as well as the relevant implementing legislation, had been approved by its Parliament on 13 May 2005. Finland had signed the European Convention on the Prevention of Terrorism on 16 May 2005.

Italy

49. Italy provided a copy of the updated report that it had submitted to the Counter-Terrorism Committee.

Jamaica

50. Jamaica provided a list of the counter-terrorism instruments that it had ratified or signed[3] and indicated that it intended to become a party to the eight other universal counter-terrorism instruments, in compliance with Security Council resolution 1373 (2001).

51. Jamaica had passed the Terrorism Prevention Act of 2005,[4] to implement the existing international treaties in relation to combating terrorism to which it intended to become a party. In addition, it had amended its domestic legislation to enhance regulation of the financial sector by expanding the categories of institutions required to report financial transactions (i.e., the Bank of Jamaica (Amendment) Act of 2004).

52. Jamaica had amended its Extradition Act and the Mutual Assistance (Criminal Matters) Act and had included terrorist offences therein. Jamaica was a participant in the Commonwealth Scheme and provided mutual legal assistance to a number of Commonwealth countries.

Mexico

53. Mexico informed the Secretariat that it was a party to 12 universal counter-terrorism instruments and inter-American treaties on the fight against terrorism,[3] which strengthened its domestic legal framework in that area.

54. Mexico had submitted four reports to the Counter-Terrorism Committee on measures that it had taken to combat and eradicate terrorism (see S/2001/1254, S/2002/877, S/2003/869 and S/2004/983).

55. At the national level, the Deputy Attorney-General's Office for Special Investigation into Organized Crime had been established. The main objective of that Office was to conduct prosecutions in the event of acts of terrorism in Mexico and to participate, in coordination with the various agencies of the executive branch, in operations to identify and arrest alleged terrorists. The legal provisions governing such coordination were included in the Political Constitution of the United Mexican States, secondary legislation and the international instruments to which Mexico was a party. The key piece of secondary legislation was the Federal Penal Code, which specifically defined and penalized terrorism (article 139).

56. The rules of procedure of the Ministry of Finance and Public Credit had been amended in 2004, restructuring the Ministry's powers in the area of money-laundering. A new agency, the Financial Intelligence Unit, had been established with powers to intervene in cases involving the financing of terrorism. The amendments in question extended the system for the prevention of money-laundering and the financing of terrorism to include currency exchange centres and money transmitters.

57. In 2004, the executive branch had undertaken a comprehensive reform of the legislation in the area of the financing of terrorism, which included amending and supplementing various provisions of the Credit Institutions Act, the Act on Savings and Loan Associations, the Act on the Retirement Savings System, the Federal Act on Guarantee Institutions, the General Act on Mutual Insurance Institutions and Companies, the Securities Market Act, the Act on Investment Firms and the General Act on Credit Organizations and Related Activities.

58. Mexico had signed bilateral and multilateral customs agreements with the following countries: Belize, Canada, Costa Rica, Cuba, France, Guatemala, Israel, Nicaragua, Portugal, Spain, the Russian Federation and the United States of America. These agreements regulated the exchange of information and cooperation among the customs departments of the signatory countries with a view to preventing, investigating and suppressing customs offences.

Morocco

59. Morocco provided[5] a list of the counter-terrorism instruments that it had recently ratified.[3] Morocco had consolidated its legislative arsenal through the enactment of Law No. 03.03 on the suppression of terrorism. The provisions of that Law were derived from the counter-terrorism instruments.

Oman

60. Oman provided a list of the counter-terrorism instruments to which it was a party.[3] It had submitted two reports to the Counter-Terrorism Committee (see S/2002/87/Add.1 and S/2003/790). In addition, Oman submitted the text of relevant articles of its Penal Code, the Control of Drugs and Psychotropic Substances Act, the Money-Laundering Act, the Alien Residence Act, the Omani Passport Act, the Identity Card Act and the Weapons and Explosives Act.[6]

Portugal

61. Portugal indicated that it had signed and ratified 12 counter-terrorism instruments. It had incorporated into domestic law the obligations emanating from the relevant Security Council resolutions, including resolution 1373 (2001).

62. Portugal had concluded several bilateral agreements to fight crime, including terrorism. In 2001, it had signed such an agreement with the Russian Federation, and negotiations were ongoing to conclude similar agreements with Italy, Slovenia, Turkey and Ukraine.

63. Portugal had enacted a national law to fight terrorism (Law No. 52/2003 of 22 August 2003),[7] which contained a definition of a terrorist group, organization or association. The activities of individuals belonging to those groups, as well as the financing of the activities, had been criminalized and made subject to punishment.

64. The acts of terrorism and the acts of the financing of terrorism were considered predicate offences to money-laundering, in accordance with article 368°-A of the Penal Code of Portugal and its Law No. 11/2004, which provided for the prevention and combating of the laundering of illicit gains.

65. The Portuguese Ministry of Justice had concluded a memorandum of understanding with the United Nations Office on Drugs and Crime concerning technical assistance. In accordance with that memorandum of understanding, it held two meetings with the countries of the Organization of Portuguese-Speaking African States (Angola, Mozambique, Sao Tome and Principe, Cape Verde, Guinea-Bissau and Timor-Leste) in 2003 and 2004, in order to provide the necessary training to and identify the legislative needs of those countries in implementing the United Nations instruments in the areas of terrorism, corruption and organized crime.

Qatar

66. Qatar stated[8] that it had enacted Law No. 28/2002, as amended by Law No. 21/2003, on combating money-laundering and Law No. 3/2004 on combating terrorism.

Saudi Arabia

67. Saudi Arabia provided a list of the counter-terrorism instruments that it had recently ratified.[3] It had taken numerous measures to enhance the legislative framework to combat money-laundering, which included:

(a) The formation of a standing committee, consisting of representatives of a number of governmental agencies, which is responsible for handling all matters connected with money-laundering;

(b) The formation of money-laundering units in the Saudi Arabian Monetary Agency and in Saudi banks, responsible for ensuring that no money-laundering transactions or suspicious activities take place and for notifying the competent authorities;

(c) The drawing up of a plan for the suppression of money-laundering by the standing committee for combating money-laundering and referral to the competent authorities for authorization;

(d) Endorsement of the 40 recommendations for combating money-laundering adopted by the Financial Action Task Force on Money Laundering and approval of its eight special recommendations concerning the financing of terrorism;

(e) The criminalization of money-laundering transactions and the provision of penalties under the Saudi Penal Code.

Saint Kitts and Nevis

68. Saint Kitts and Nevis submitted the text of its Anti-Terrorism Act, enacted in 2002.[9]

Sudan

69. The Sudan provided a list of the counter-terrorism instruments to which it was a party.[3]

70. The Ministry of Justice had formed a committee to review the Counter-Terrorism Act of 2000 and the amendments thereto, so as to align it with international criteria. The Governor of the Bank of the Sudan had also formed a committee to amend the law on money-laundering and align it with international criteria.

71. The Government of the Sudan had extradited a number of persons wanted in connection with their terrorist activities to Algeria, Egypt, the Libyan Arab Jamahiriya and Saudi Arabia. The Sudan had put the hijackers of the Libyan military aircraft in Khartoum on trial.

Sweden

72. Sweden referred to the three reports that it had submitted to the Counter-Terrorism Committee (see S/2001/1233, S/2002/691 and S/2004/476). It also referred to the reports submitted to the Counter-Terrorism Committee by the European Union (see S/2001/1297 and S/2002/928) and by the Organization for Security and Cooperation in Europe (S/2002/34).

73. In addition, Sweden indicated that it had ratified 11 universal counter-terrorism instruments.[3] Work was in progress on the ratification of the Convention on the Marking of Plastic Explosives for the Purpose of Detection.

74. As of May 2005, two individuals had been convicted of the commission of a crime under the Swedish laws relating to the financing of terrorism.

Switzerland

75. Switzerland indicated that it had extended, until 31 December 2005, the following two temporary measures that it had previously adopted: the Ordinance concerning banning the Al-Qaida group and the organizations having connections with it, as well as the Ordinance on the duty of information and on the right of communication. The ban not only targeted all activities carried out by the organizations, but also covered all acts performed in support of the organizations.

76. Switzerland's Federal Law on Secret Investigation had entered into force on 1 January 2005. That Law improved the capabilities of the judicial police to infiltrate criminal circles, including those suspected of undertaking criminal terrorist activities or supporting terrorist organizations. Also, a new federal law on DNA profiling had entered into force on 1 January 2005. That Law would generally improve the efficiency of criminal prosecution in Switzerland, including in the domain of international terrorism.

77. Switzerland had arrested two persons in 2004 on charges of supporting and financing terrorist organizations, which had led to the extradition of the detainees to Serbia and Montenegro and to Spain in 2005.

78. In one case, the Federal Court of Switzerland had approved the provision of judicial cooperation to the United States of America concerning the financing of terrorism (order No. 1A.147/2204). In another case, the Court had rejected a request to free a person who had been imprisoned on the charge of having a relationship with Al-Qaida (orders No. 1S.3/2204 and 1S.4/2004). In three additional judgements rendered by the Court, it did not accept the allegation that grave crimes involving violence (in particular assassinations) had a political character. It was possible to

make an exception exclusively when the crime — for example, the assassination of a tyrant — was the only practicable way of achieving important humanitarian goals. This practice was also applicable to make a distinction between alleged terrorists and armed combatants at the service of a political resistance (Judgement No. 1A.80/2004, 1A.116/2004, 1A.4/2005).

Tunisia

79. Tunisia informed the Secretariat that it had ratified all the counter-terrorism instruments. It had also ratified the Arab Convention for the Suppression of Terrorism and adopted mechanisms for its implementation. Tunisia had acceded to the Convention on the Extradition of Offenders, the Convention on the Enforcement of Judgements, the Convention on Judicial Notices and Rogatory Letters and the Arab Riyadh Agreement on Judicial Cooperation, adopted by the Council of the League of Arab States.

80. At the national level, Tunisia had passed Act No. 75/2003, dated 10 December 2003, in order to support international efforts to combat terrorism and to prevent money-laundering. The Act sought to achieve a fair balance between the society's right of self-defence and the need to deal resolutely with terrorism, by providing means for prosecuting and suppressing the perpetrators of crimes of this sort, on the one hand, and the individual's right to a fair trial that ensures the fundamental guarantees provided by law, on the other hand. The Act sought to define the crime of terrorism, to distinguish it from offences that were treated similarly and to diminish the importance of motivations for the commission of terrorist offences. In addition, it criminalized all forms of support and financing of persons, organizations and activities connected with terrorist offences and provided stern penalties for the perpetrators of those crimes.

81. To cut off sources of terrorist financing, Tunisian law had established rules of cautious conduct and minimum rules of accountancy to be adopted by all entities, organizations and structures in order to prevent such means from being misused to cover up the financing of persons, organizations or activities connected with terrorist offences or money-laundering. Tunisia had established the Financial Analysis Committee to monitor questionable operations and transactions suspected of being connected with money-laundering operations and had made it a requirement for loan and other financial institutions and persons in certain professions to report to the Committee.

82. Tunisia had concluded 35 extradition agreements with Arab and other friendly States.

Turkey

83. Turkey informed the Secretariat that it had ratified all counter-terrorism instruments,[3] including the International Convention for the Suppression of the Financing of Terrorism and the International Convention for the Suppression of Terrorist Bombings. In accordance with article 90 of the Turkish Constitution, the instruments had acquired the force of domestic law.

84. The Turkish Penal Code and the Law on Fighting against Terrorism were the two principal laws that regulated terrorist offences and provided for their punishment. Planning, preparing, financing, perpetrating and supporting terrorist

acts and recruitment for terrorist and criminal organizations were established as serious criminal offences with heavy penalties under the Code and the Law. The Law on the Prevention of Money Laundering and the Law on the Prevention of Benefit-Oriented Criminal Organizations were basic instruments that applied to the prevention and suppression of the financing of terrorist acts.

85. A working group had been established with the mandate of dealing solely with the crime of terrorist financing, to fully harmonize the Turkish legislation with the International Convention for the Suppression of the Financing of Terrorism.

86. Turkey had concluded bilateral agreements with 50 States concerning cooperation in the fight against terrorism, drug trafficking and organized crime.

87. Turkey also informed the Secretariat that PKK/KONGRA-GEL had intensified its armed activities and had orchestrated over 200 attacks since 1 June 2004. In that period, the number of attacks had increased two- or threefold. PKK/KONGRA-GEL was still using landmines and other types of explosives, especially with the aim of posing a threat to the security of transportation in eastern and south-eastern Anatolia. Turkey had been the target of heinous acts of terrorism in Istanbul on 15 and 20 November 2003: the suicide attacks against two synagogues, the headquarters of HSBC Bank and the British Consulate General had been committed with the use of pick-up vehicles loaded with explosives.

Venezuela (Bolivarian Republic of)

88. The Bolivarian Republic of Venezuela provided a list of the counter-terrorism instruments and regional conventions[3] to which it was a party. It also provided the details of extradition treaties that it had concluded with Australia, Belgium, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, Italy, Peru, Spain and the United States of America.

89. Venezuela had submitted, in compliance with Security Council resolutions 1373 (2001) and 1455 (2003), reports to the Counter-Terrorism Committee. It had also submitted reports to the Inter-American Committee against Terrorism.

90. At the national level, Venezuela referred to its Special Law against Cybercrime and the General Act on Banks and Other Financial Institutions, both enacted in 2001. Article 226 of the latter established a National Financial Intelligence Unit within the operational structure of the Office of the Superintendent of Banks and Other Financial Institutions. The Unit operates as a central clearing house for receiving, analysing and classifying reports of suspicious activities submitted by the institutions, companies and individuals under its supervision and referring them to the Public Prosecutor's Office. It also gathers financial information (both objective and subjective) on suspicious activities to assist the criminal investigation authorities.

91. Venezuela also informed the Secretariat that a draft Special Law against Terrorist Acts was in the process of approval by the Parliament. In addition, Venezuela's draft Organic Law against Organized Crime, draft Organic Law on Narcotic Drugs and Psychotropic Substances, draft revised Organic Code of Criminal Procedure and draft Organic Law on the National Police were scheduled to receive a second reading under the legislative agenda for the first half of 2005.

B. Information received from international organizations

1. United Nations system

International Civil Aviation Organization

92. The International Civil Aviation Organization (ICAO) provided an updated list of parties to the international air law instruments.[9]

93. ICAO had monitored and collected data relating to incidents of unlawful interference with international civil aviation, and provided a list of unlawful interferences that occurred in 2004.[10]

94. At its thirty-fifth session,[11] the Assembly of ICAO had adopted resolution A35-11, entitled "Threat to civil aviation posed by man-portable air defence system", aimed at strengthening the aviation community's efforts to address this serious threat. The resolution urged all contracting States to actively participate in developing an international instrument for the purpose of identifying and tracing illicit small arms and light weapons, as referred to in General Assembly resolution 58/241.

95. In compliance with ICAO Assembly resolution A33-1, entitled "Declaration on misuse of civil aircraft as weapons of destruction and other terrorist acts involving civil aviation", ICAO had continued the implementation of the Universal Security Audit Programme. As at 31 May 2005, 78 audits had been conducted under that Programme.

96. ICAO had continued its efforts in developing and implementing measures aimed at enhancing the security of travel documents. Revised specifications for machine-readable visas had been published in January 2005. The technical reports comprising the ICAO "blueprint" for biometric identification in travel documents had been updated. On the basis of the blueprint, a number of ICAO Member States had begun to develop their systems to issue "e-passports".

International Maritime Organization

97. The International Maritime Organization (IMO) reported that the special measures to enhance maritime security, adopted on 12 October 2002 within the framework of the 1974 International Convention on the Safety of Life at Sea, as amended, had entered into force on 1 July 2004. The measures were contained in a new chapter of the Convention and were supported by the International Code for the Security of Ships and Port Facilities. The Code established detailed security-related requirements, consisting of part A (mandatory provisions) and part B (recommendatory provisions).

98. The measures covered the whole spectrum of security issues, such as attempts to commit piracy and armed robbery, attempts to board a ship as a stowaway or illegal migrant, and terrorism. The measures applied to ships engaged in international trade and port facilities serving such ships and addressed the use of ships as weapons and as means for transporting persons intending to cause a security incident or their means for such an incident. One of the primary requirements for ships and port facilities was to implement security measures designed to prevent weapons, dangerous substances and devices intended for use against persons or ships from being taken on board a ship or introduced into a port facility.

99. Chapter XI-2 of the Convention on the Safety of Life at Sea and the International Code for the Security of Ships and Port Facilities contributed to the achievement of the objectives of General Assembly resolutions 59/46 and 59/80 by addressing the use of ships in the context of counter-terrorism.

100. The above-mentioned measures were in force in 155 States. Contracting States of the Convention were under treaty obligation to establish and maintain the necessary legislative and administrative infrastructure to give full effect to the provisions of chapter XI-2 of the Convention and the Code. The States had the duty to monitor the compliance of ships flying their flags and port facilities located within their territories with the above-mentioned provisions and to take appropriate enforcement measures, as the circumstances required. In addition, they had the right to take appropriate measures against ships entering their ports irrespective of the flag that such ships were entitled to fly.

101. The Legal Committee of IMO, at its ninetieth session (April 2005), had completed the revision of the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. The revisions would be submitted as draft protocols for adoption at a diplomatic conference on the revision of the Convention and the Protocol, to be held at IMO headquarters in London in October 2005. The aim of the two protocols would be to strengthen the 1988 Convention and Protocol so as to provide an appropriate response to the increasing risks posed to maritime navigation by international terrorism. The amendments would provide a legal basis for the arrest, detention and extradition of terrorists in the event of a terrorist attack against shipping.

World Health Organization

102. The World Health Organization (WHO) provided an updated report on the implementation of World Health Assembly resolution WHA55.15 of 18 May 2002, entitled "Global health response to natural occurrence, accidental release or deliberate use of biological and chemical agents or radio-nuclear material that affect health". It reported that between 1 May 2002 and 31 March 2005, 760 outbreaks of potential international concern had been detected and verified in collaboration with 138 affected countries. International assistance had been requested for more than 70 of these events. For more than 50, international teams had been deployed to provide field support with expertise from WHO and its Global Outbreak Alert and Response Network. The activities had helped to refine the mechanisms for sharing expertise, supplies and resources among the member States of WHO.

International Atomic Energy Agency

103. The International Atomic Energy Agency (IAEA) provided an updated report on its plan of action for protection against nuclear terrorism. The first three-year plan had been adopted by the IAEA Board of Governors in March 2002. The plan comprised activities that contributed to the prevention of acts of terrorism, the detection of malicious acts and the response to such acts, and threats thereof, should they occur. The plan covered the following activity areas: (a) physical protection of nuclear material and nuclear facilities; (b) detection of malicious activities (such as illicit trafficking) involving nuclear and other radioactive materials; (c)

strengthening of State systems for nuclear material accountancy and control; (d) security of radioactive sources; (e) assessment of safety- and security-related vulnerabilities at nuclear facilities; (f) response to malicious acts or threats thereof; (g) adherence to international agreements and guidelines; and (h) enhanced programme coordination and information management for nuclear security-related matters.

104. IAEA indicated that a proposal to continue the nuclear security plan of activities for the years 2006-2009 would be submitted to the IAEA Board of Governors in August 2005.

Organization for the Prohibition of Chemical Weapons

105. The Organization for the Prohibition of Chemical Weapons (OPCW) observed that the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction did not specifically deal with the fight against terrorism. However, the Executive Council of OPCW, in its decision EC-XXII/DEC.5, had reaffirmed that OPCW should play a role in anti-terrorism efforts. To this end, the OPCW Technical Secretariat had established channels of communication in order to develop modalities of practical cooperation and was maintaining contacts with other relevant regional, subregional and international organizations in the field of counter-terrorism. OPCW was supporting the worldwide study entitled "Strengthening international cooperation to combat trafficking and criminal use of chemical, biological, radiological and nuclear substances and weapons", concluded by the United Nations Interregional Crime and Justice Research Institute.

2. Other international organizations

Collective Security Treaty Organization

106. The Collective Security Treaty Organization (CSTO) observed that its Member States had compiled a list of terrorist and extremist organizations, which formed the basis for information exchange among their national law-enforcement agencies.

107. A draft procedure had been developed, and submitted for consideration by the CSTO Collective Security Council, to establish a consolidated list of terrorist and extremist organizations posing a threat to the collective security of its member States.

108. CSTO had conducted the Rubezh-2004 and Rubezh-2005 counter-terrorist exercises, which had enhanced the procedures of its statutory bodies and the operations of its Collective Rapid Deployment Forces in the Central Asian region for repelling any aggression by outside terrorist groupings.

109. In 2004, the CSTO member States had carried out the Kanal-2004 anti-drug operation, in the course of which not only drugs but also a significant quantity of arms and financial assets that could be used by terrorists was seized.

110. Work was under way to establish CSTO international interdepartmental centres providing joint training courses for the anti-terrorist personnel of member States.

111. An inter-State special-purpose information programme had been launched as a means of countering current threats and challenges through an international anti-terrorist media forum. The forum's role would include, inter alia, involving civil society in taking action against threats.

112. The CSTO secretariat had been monitoring the ratification of 12 international counter-terrorism instruments by its member States. CSTO had been making efforts for the improvement and harmonization of national legislation relating to the struggle against threats and challenges within the framework of the Parliamentary Group of States Members.

Council of Europe

113. The Council of Europe informed the Secretariat that its Convention on the Prevention of Terrorism had been adopted and opened for signature in May 2005.[1]

114. The Convention dealt with the prevention of terrorism and was aimed at covering some of the existing lacunae in international law. Its purpose was to enhance the efforts of States parties in preventing terrorism and its negative effects on the full enjoyment of human rights, in particular the right to life, both by measures to be taken at the national level and through international cooperation, with due regard to the existing applicable multilateral or bilateral treaties or arrangements between States parties. The Convention sought to achieve this objective, on the one hand, by establishing as criminal offences certain acts that might lead to the commission of acts of terrorism, including public provocation, recruitment and training, and, on the other hand, by reinforcing cooperation on prevention.

115. The Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism had also been opened for signature in May 2005.

116. The new Convention addressed such issues as the setting up of financial intelligence units, asset-sharing, recovery of assets, measures to counter laundering techniques, which targeted the non-bank sector and professional intermediaries who were used to invest criminal proceeds in the legitimate economy, and improved international cooperation.

Organization of American States

117. The Organization of American States (OAS) informed the Secretariat that the Inter-American Convention against Terrorism had come into force.[2] It provided an outline of the activities carried out under the OAS counter-terrorism capacity-building and technical assistance programmes managed by the Inter-American Committee against Terrorism. In implementing the new IMO Code for the Security of Ships and Port Facilities, 215 port security officials had been trained. A project had been initiated to provide Member States with technical advice on their state of preparedness for audits relating to the Code. In implementing specific aspects of the new ICAO security standards, 98 airport security officials had been trained. Advice was given to 14 member States on the modalities for the integration into their national legislation of the requirements of Security Council resolution 1373 (2001), the Inter-American Convention against Terrorism and other international agreements. It had begun a programme to help member States to develop, implement and improve professional standards for customs officials. It had also drafted a proposal to develop a regional network of cyber-security alert centres.

Organization for Security and Cooperation in Europe

118. The Organization for Security and Cooperation in Europe (OSCE) recalled the 2001 Bucharest Plan of Action for Combating Terrorism, which had recognized that the international counter-terrorism instruments, as well as relevant Security Council resolutions, constituted the basis for the global framework for the fight against terrorism. It had established a framework for comprehensive OSCE action by participating States and the organization to combat terrorism, while fully respecting international law, including international human rights law. The Plan of Action sought to expand existing activities that contribute to combating terrorism, facilitate interaction between States and, where appropriate, identify new instruments for action.

119. The Plan of Action also provided for the establishment of the Action against Terrorism Unit at the OSCE secretariat, within the Office of the Secretary-General. The Action against Terrorism Unit had been further strengthened in 2004 and 2005 and continued to support the 55 participating States, the Chairman-in-Office and the Secretary-General in their activities aimed at preventing and fighting terrorism. The overall objective of the Unit was to respond rapidly and efficiently, in coordination with internal and external partners, to requests from participating States for counter-terrorism assistance.

League of Arab States

120. The League of Arab States provided copies of replies that it had received from Bahrain, Lebanon, Morocco, Qatar, Saudi Arabia, the Sudan, Oman and Tunisia.[12] It also provided the texts of the following national laws relating to combating terrorism: Federal Act No. 1 (2004) of the United Arab Emirates concerning Combating Terrorist Acts;[13] Act No. 75 (2003) of Tunisia;[14] relevant articles of the Penal Code of Algeria (Articles 87 bis, 88, 123-125);[15] the Act No. 6 (2001) of the Sudan on Combating Terrorism;[16] relevant articles of the Penal Code of Oman, with amendments and annexes;[17] and Act No. 03.03 of Morocco on Combating Terrorism.[18]

III. Comprehensive inventory of the response of the Secretariat to terrorism

121. The present section describes activities carried out by various departments, offices and other constituent parts of the Secretariat relating to the prevention and suppression of international terrorism. The full texts of the replies received are on file with the Codification Division, Office of Legal Affairs, and available for consultation.

Counter-Terrorism Executive Directorate

122. The activities of the Counter-Terrorism Executive Directorate (CTED) include the following.

Review of reports submitted by States pursuant to Security Council resolution 1373 (2001)[19]

123. CTED provides expert advice to the Counter-Terrorism Committee (CTC) in relation to States' implementation of Security Council resolution 1373 (2001) on threats to international peace and security caused by terrorist acts. In this context,

CTED analyses Member States' reports on their compliance with the resolution and identifies the needs and sources of assistance for the States concerned. Furthermore, CTED responds to technical questions and requests for guidance from Committee members or Member States.

Best practices

124. CTED provides expert advice to CTC in its efforts to develop a set of best practices to assist Member States in implementing the provisions of Security Council resolution 1373 (2001), in consultation with relevant international, regional and subregional organizations and United Nations bodies.

Visits to Member States

125. As mandated by Security Council resolution 1535 (2004), CTED, in close cooperation with relevant international, regional and subregional organizations, conducts visits to States, with their consent, in order to enhance the monitoring of the implementation of Security Council resolution 1373 (2001) and to facilitate the provision of technical and other assistance. CTED expects to be able to conduct one such visit per month.

Coordination with other Security Council committees and other United Nations bodies

126. CTED is enhancing its coordination and exchange of information with the experts that advise the sanctions Committee established pursuant to Security Council resolution 1267 (1999) concerning Al-Qaida and the Taliban, the Committee established pursuant to Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction and the Working Group established pursuant to Security Council resolution 1566 (2004).

Implementing a proactive communications policy

127. CTED, in close cooperation with the Department of Public Information, develops and implements a proactive communications policy, including a programme to provide information on the work of CTC and CTED to specific target audiences. In addition, the CTC website is maintained and updated with all relevant documents.[20] CTED monitors and analyses current events, developments, public opinion and press coverage on counter-terrorism-related matters.

Cooperation with international organizations

128. CTED liaises with international, regional and subregional organizations to improve the coordination of their counter-terrorism efforts and to involve those organizations in the process of providing technical assistance to States. CTED also maintains an online directory of technical assistance programmes on matters related to the provisions of Security Council resolution 1373 (2001) available to States. CTED advises the Chairman of CTC about, inter alia, the format and documentation of and other matters relating to special meetings with international, regional and subregional organizations, as appropriate.

Department for Disarmament Affairs

129. The activities of the Department for Disarmament Affairs include the following:

(a) Monitoring the implementation of General Assembly resolution 59/80 on measures to prevent terrorists from acquiring weapons of mass destruction and preparing the Secretary-General's report on measures taken by international organizations on issues relating to the linkage between the fight against terrorism and the proliferation of weapons of mass destruction;

(b) Reviewing current publications and initiatives, providing background analysis, and proposing a series of options for the establishment and maintenance of a mechanism regarding the potential use of weapons of mass destruction in terrorist acts;[21]

(c) Providing substantive support for the work of the Committee established pursuant to Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction, including its experts, and assisting Member States in the implementation of that resolution.

130. The Department also undertakes certain counter-terrorism activities through its Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, including the organization of training and capacity-building courses for the law-enforcement community and parliamentary advisers on, inter alia, the relationship between illicit trafficking in firearms and terrorist activities.

Department of Management

131. The Department of Management, and more specifically the Office of Central Support Services, undertakes measures to strengthen security within the United Nations premises to, inter alia, prevent terrorist attacks.

Department of Peacekeeping Operations

132. The Department of Peacekeeping Operations, in particular its Security Focal Point, in the aftermath of the 19 August 2003 bombing of the United Nations Office in Baghdad, conducted a survey of all United Nations peacekeeping missions, with a view to identifying risks to United Nations personnel and premises associated with local and/or regional aspects of terrorism. A second survey was carried out in early 2004. Although the Department of Peacekeeping Operations field security does not have the task of suppressing or preventing international terrorism, it has the function of mitigating the risk associated with it.

Department of Political Affairs

133. The Department of Political Affairs coordinates the activities of the United Nations system on the issue of terrorism through the Policy Working Group on the United Nations and Terrorism, which has met periodically since its establishment by the Secretary-General in October 2001. Its purpose has been to identify the longer-term implications and broad policy dimensions of terrorism for the United Nations and to formulate recommendations on the steps that the United Nations system might take to address the issue.

134. In addition, the Security Council Subsidiary Organs Branch of the Department provides servicing and technical and advisory support to the following subsidiary organs of the Security Council:

(a) The Committee established pursuant to resolution 1267 (1999);

(b) The Committee established pursuant to resolution 1373 (2001);

(c) The Committee established pursuant to resolution 1540 (2004);

(d) The Working Group established pursuant to resolution 1566 (2004).

Department of Public Information

135. The activities of the Department of Public Information relating to the prevention and suppression of international terrorism consist of informing the public of the counter-terrorism work undertaken by the main bodies, agencies and programmes of the United Nations as well as engaging in efforts to dissuade local populations from embracing terrorism.

Department of Safety and Security

136. The mandate of the Department of Safety and Security does not extend to the prevention and suppression of terrorism. However, the Department closely follows all terrorist-related events in the context of its responsibility for ensuring the safety and security of United Nations staff and operations worldwide.

Economic Commission for Africa

137. Social and economic policies of the Economic Commission for Africa relevant for the prevention of international terrorism include:

(a) Policies in favour of economic growth and in support of a growing middle class, in recognition of the economic benefits of peace, thus working as a barrier against local terrorist support;

(b) Policies which foster overall development and poverty eradication, thus making recruitment for terrorist groups more difficult, as there are viable alternatives to financial incentives and family support from these groups;

(c) Policies combating money-laundering, thus making the financing of terrorism more difficult.

Economic Commission for Europe

138. Activities undertaken or under consideration by the Economic Commission for Europe relevant to the prevention of terrorism include:

(a) The introduction of systems to prevent the theft of vehicles and their possible misuse for terrorist actions;

(b) The adoption of provisions aimed at preventing theft or misuse of dangerous goods by terrorists during transport;

(c) The adoption of conditions for the issuance of driving permits with a view to preventing their fraudulent use;

(d) The monitoring of activities relating to security undertaken by the International Union of Railways and the collaboration of rail police services;

(e) The adoption of measures relating to the security of supply chains, including the possibility for competent authorities to carry out proper risk management of inbound cargo for States to detect more easily fraudulent movement

of goods in relation to possible terrorist actions and to provide for uniform procedures for security border controls.

Economic Commission for Latin America and the Caribbean

139. The Economic Commission for Latin America and the Caribbean, although it is not directly involved in countering terrorism, carries out activities related to maritime and port security in South America and confidence-building among countries in the region in discharging its programme of work and in responding to specific requests from Member States.

Economic and Social Commission for Asia and the Pacific

140. The Economic and Social Commission for Asia and the Pacific is involved in the following activities relevant to countering the root causes of terrorism: (a) implementing projects to reduce poverty, generate employment and increase the cohesiveness of society; (b) promoting trade and investment; (c) encouraging adequate access to social services and information to ensure a minimal level of welfare while promoting human development and human rights; and (d) undertaking steps to develop the concept of environmentally sustainable economic growth as an effective and powerful tool for tackling poverty and environmental sustainability issues in the Asia and the Pacific region.

Economic and Social Commission for Western Asia

141. The Economic and Social Commission for Western Asia, while it has no activities directly intended to combat terrorism, nevertheless initiated a number of projects aimed, in the long term, at reducing the threat of terrorism. For instance, it prepares an annual report of the Secretary-General requested by the General Assembly and the Economic and Social Council on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan.

Executive Office of the Secretary-General

142. A main focus of the Executive Office of the Secretary-General, and in particular its Strategic Planning Unit, has been to gain acceptance of the terrorism-related measures set out in the Secretary-General's report "In larger freedom: towards development, security and human rights for all" (A/59/2005) by ensuring support for the comprehensive United Nations counter-terrorism strategy proposed by the Secretary-General; advancing the efforts to reach a definition of terrorism; and building support for the finalization of the comprehensive convention on international terrorism before the end of the sixtieth session of the General Assembly.

Office of the United Nations High Commissioner for Human Rights

143. The United Nations High Commissioner for Human Rights has affirmed that States are under an obligation, including by virtue of their commitments under United Nations human rights treaties, to take strong action against terrorism in order to safeguard human rights, including the rights to life and to personal security. She has also stressed that counter-terrorism measures must be taken with strict respect for human rights obligations.

144. The Office of the High Commissioner (OHCHR), consistent with resolutions of the Commission on Human Rights and of the General Assembly on the protection of human rights and fundamental freedoms while countering terrorism (most recently General Assembly resolution 59/191 and Commission on Human Rights resolution 2005/80), has:

(a) Examined the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;

(b) Made general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

(c) Provided assistance and advice to relevant United Nations bodies, as well as to States upon their request, on the protection of human rights and fundamental freedoms while countering terrorism.

145. OHCHR, together with the Department of Public Information, published the *Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights while Countering Terrorism*, a compilation of relevant findings of United Nations human rights bodies and others of Europe, Africa and the Americas.

146. Together with CTC and the United Nations Office on Drugs and Crime, OHCHR has participated in joint regional and national workshops on counter-terrorism measures, incorporating the human rights element.

147. OHCHR supported the independent expert of the Commission on Human Rights on the protection of human rights while countering terrorism, who was appointed to a one-year mandate on 9 July 2004, and it supports the mandate established in April 2005 for a Special Rapporteur on this issue.

148. The United Nations human rights treaty bodies, to which OHCHR is providing substantive support, have considered the issue of counter-terrorism and human rights in their review of States parties' reports under the respective treaties.

Office of Legal Affairs

149. The Office of Legal Affairs provides legal advice to the Secretary-General and other offices within the Secretariat, as well as to Member States upon request, on a wide range of legal questions directly or indirectly related to the counter-terrorism activities of the Organization. In addition, specific units within the Office contribute to the work of the Organization in this field by undertaking the activities described below.

Codification Division

150. The activities of the Codification Division involve providing substantive support to the Ad Hoc Committee established by General Assembly resolution 51/210 and to the Sixth (Legal) Committee of the General Assembly in its consideration of the agenda item "Measures to eliminate international terrorism". The efforts of these two bodies resulted in the adoption of three universal instruments to combat international terrorism, most recently the International Convention for the Suppression of Acts of Nuclear Terrorism, adopted by the

Assembly in its resolution 59/290. It also encourages the wider appreciation and dissemination of international law concerning the prevention and suppression of international terrorism.

151. The Codification Division regularly compiles and disseminates information on anti-terrorism measures taken by the United Nations and its Member States. In particular, it prepares an annual report of the Secretary-General entitled "Measures to eliminate international terrorism", as well as other publications related to terrorism, such as *International Instruments related to the Prevention and Suppression of International Terrorism* and the *Legislative Series* publication *National Laws and Regulations on the Prevention and Suppression of International Terrorism*. The Division also provides expertise to and undertakes regular exchanges of information with other international or regional organizations seized of the preparation of international counter-terrorism instruments.

Division for Ocean Affairs and the Law of the Sea

152. The activities of the Division for Ocean Affairs and the Law of the Sea serve to underpin the development of both law and policy in suppressing and combating terrorist activities against shipping. The Division informs the General Assembly of recent developments in the area of maritime security and in particular in relation to the prevention and suppression of acts of terrorism against shipping in the context of the Secretary-General's annual comprehensive report on oceans and the law of the sea. Furthermore, the Division has assisted IMO in the development of amendments to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol that are in conformity with the United Nations Convention on the Law of the Sea.

Treaty Section

153. The Treaty Section undertakes a number of activities to promote participation in treaties on terrorism. It organizes treaty events, training workshops and other meetings at Headquarters and in Member States on treaty law and practice. The 2005 annual treaty event, at which the International Convention for the Suppression of Acts of Nuclear Terrorism will be opened for signature, is scheduled to take place from 14 to 16 September at United Nations Headquarters, during the High-level Plenary Meeting of the sixtieth session of the General Assembly.

Office of the United Nations High Commissioner for Refugees

154. The Office of the United Nations High Commissioner for Refugees (UNHCR) does not have a responsibility for preventing and suppressing international terrorism and has not undertaken any specific counter-terrorism activities.

155. UNHCR has a mandate, under its 1950 statute and subsequent General Assembly and Economic and Social Council resolutions, to provide international protection for and to seek durable solutions for the problems of refugees. In this context, UNHCR is concerned that efforts to fight terrorism should not suggest any automatic linkage between refugees and terrorists. Such a linkage would be prejudicial to the institution of asylum. The 1951 Convention relating to the Status of Refugees provides that international refugee protection should not be extended to those responsible for terrorist acts.

156. UNHCR has advocated in many forums that counter-terrorism measures must be in accordance with international law, in particular international refugee, human rights and humanitarian law.

United Nations Children's Fund

157. While the United Nations Children's Fund (UNICEF) does not have programmes specifically aimed at the prevention and suppression of international terrorism, many of the activities it supports and carries out are directed at the provision of social services and the promotion of child rights. In this way, UNICEF is working to mitigate social conditions that might lead to terrorist activities.

United Nations Development Programme

158. The core competencies of the United Nations Development Programme relevant to the emerging counter-terrorism agenda include the following: strengthening the capacity of the State to respect and uphold individual, group, and minority rights; supporting Member States in the constructive engagement of disaffected groups; supporting the formulation, implementation and humane enforcement of appropriate laws; and strengthening subregional mechanisms aimed at curbing illicit transnational networks.

United Nations Environment Programme

159. The activities of the United Nations Environment Programme do not directly address the prevention and suppression of international terrorism. However, its Executive Director provides secretariat services for several international treaties that have been developed to control or manage hazardous substances. Although they do not directly address terrorism, these treaties might be deemed to contribute to strengthening the capacities of countries to minimize the potential risks of the malicious release of hazardous substances into the environment for the purpose of causing terror.

United Nations Interregional Crime and Justice Research Institute

160. The United Nations Interregional Crime and Justice Research Institute (UNICRI) carries out analysis and technical cooperation activities worldwide in the fields of crime prevention and administration of justice. Priority has been given to thematic areas such as transnational organized crime, security and international terrorism prevention, trafficking in human beings, juvenile justice and corruption.

161. The UNICRI Security Cluster is currently engaged, inter alia, in the implementation of two programmes on security measures during major events and a programme on the illegal trafficking and use of chemical, biological, radiological and nuclear substances.

162. In 2004, UNICRI completed a project entitled "Security of maritime transport" providing an analysis of current international regulations on the security of maritime transport and their effectiveness in preventing maritime terrorism.

163. UNICRI is also planning to launch initiatives in the area of exchange of information between law enforcement and intelligence services in order to strengthen the fight against terrorism.

United Nations Office on Drugs and Crime

164. The United Nations Office on Drugs and Crime (UNODC) is mandated to address the criminal policy and criminal justice aspects of terrorism and works in close coordination with CTC and CTED.

165. Two areas have been identified where UNODC has a specific transversal competitive advantage in delivering technical cooperation to tackle the links between crime, drugs and terrorism, as described below.

Reinforcing the rule of law and strengthening fair and viable criminal justice systems

166. UNODC has been mandated by the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs to reinforce the rule of law through the enhancement of the criminal justice system at large, which constitutes an essential component of any efficient counter-terrorism strategy. The principle of the rule of law, including respect for human rights, is integral to all counter-terrorism assistance provided by UNODC, in particular for the substantive and procedural penal law aspects.

Strengthening and speeding up international cooperation against terrorism

167. UNODC emphasizes the importance of effective international cooperation to combat terrorism and organized crime in its technical assistance activities. UNODC has provided assistance to Member States in developing treaty relations, in particular on the basis of the revised manuals on model treaties and model laws on extradition and mutual legal assistance in criminal matters.

168. Since October 2002, the work of the Terrorism Prevention Branch of UNODC has been largely focused on operational activities aimed at strengthening the legal regime against terrorism. The Terrorism Prevention Branch has responded to requests for counter-terrorism-related assistance from over 60 countries through the provision of country-specific direct assistance and has also promoted the universal anti-terrorism instruments and Security Council resolution 1373 (2001) in a range of regional and subregional workshops. Technical cooperation tools, including legislative guides, checklists and a database containing examples of relevant national legislation and model laws, have been developed by the Branch to ensure efficiency in the delivery of legislative assistance. Effective follow-up to the technical assistance already provided and to commitments made during workshops, in particular the provision of implementation assistance, is a priority for its work in the coming period, in order to build on the momentum created while fostering sustainable, long-term impact through regular interactions with Governments.

United Nations Office at Geneva

169. The United Nations Office at Geneva organizes seminars, conferences and meetings focused on cooperation related to the prevention and suppression of international terrorism, including high-level consultations, with the participation of OSCE, the Council of Europe, the Council of the European Union, the European Commission, IOM and the International Committee of the Red Cross.

Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States

170. The Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States has undertaken vigorous advocacy to place the concerns of the most vulnerable countries at the forefront of the global agenda, since economic marginalization and social exclusion may often serve as breeding ground for terrorism.

United Nations Population Fund

171. The United Nations Population Fund (UNFPA) does not directly fund activities or measures to eliminate international terrorism. However, in line with its mandate, UNFPA-funded activities contribute to poverty reduction in the broadest sense, and may thus contribute indirectly to the response of the Secretariat to terrorism.

United Nations Relief and Works Agency for Palestine Refugees in the Near East

172. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), incidentally to its mandate, undertakes the following activities relating to the prevention and suppression of international terrorism:

(a) Under the Agency's General Conditions of Contract for Procurement of Goods and General Conditions of Service Contract, the provider warrants that neither it nor any of its suppliers is engaged in any transactions with, and/or the provision of resources and support to, individuals and organizations associated with, receiving any type of training for or engaged in any act or offence described in article 2, paragraphs 1, 3, 4 and 5, of the 1999 International Convention for the Suppression of the Financing of Terrorism. Any breach of these terms entitles UNRWA to terminate the contract;

(b) In the Agency's schools, enrichment material advocating tolerance and peaceful conflict resolution was successfully introduced Agency-wide through the education programme.

Office of the United Nations Special Coordinator for the Occupied Territories

173. The functions and responsibilities of the Office of the United Nations Special Coordinator for the Occupied Territories are designed to support three main objectives: (a) underpinning the Middle East peace effort; (b) responding to the socio-economic needs of the Palestinian people; and (c) supporting the consolidation of an independent, viable and sustainable Palestinian State. Among the many tasks undertaken to further these objectives, several of the Office's activities contribute to the prevention and suppression of international terrorism.

174. The Office's diplomatic role is to seek to advance the Middle East peace process by facilitating dialogue between the parties, with the aim of securing a final settlement to the conflict. Currently, it is the only United Nations entity in the occupied Palestinian territory whose work feeds directly into the peace process. In this capacity, the Office advises the Secretary-General on possible courses of action and regularly provides political analysis to Headquarters, the Quartet and local United Nations partners. Furthermore, a key element in ensuring optimal United Nations support to the peace process is a clear communications strategy, which requires the dissemination of accurate information regarding United Nations policy positions, including its stand on the prevention and suppression of terrorism. To that

end, since 2000, the Office has issued numerous public condemnations of acts of terror undertaken in its area of operations.

175. Recognizing that socio-economic development is an essential underpinning of peace, one of the Office's primary functions is to ensure that appropriate levels and types of international assistance are provided to meet the needs of the Palestinian people.

176. Reform of the Palestinian Authority and its subsidiary institutions has been identified as a prerequisite for advancing the Middle East peace process. To this end, the Office of the United Nations Special Coordinator for the Occupied Territories has been involved in promoting legislative, judicial and security sector reform and has actively supported and participated in initiatives designed to strengthen the rule of law.

Other United Nations entities

177. The following offices, departments, programmes, funds and commissions indicated that they had no information to report on the matter: the Department of Economic and Social Affairs, the Department for General Assembly and Conference Management, the Office for the Coordination of Humanitarian Affairs, the Office of Human Resources Management, the Office of Internal Oversight Services, the Office of the Special Adviser on Africa, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Conference on Trade and Development, the United Nations Development Fund for Women, the United Nations Fund for International Partnerships, the United Nations Human Settlements Programme, the United Nations Institute for Training and Research, and the United Nations Office for Project Services.

IV. Status of international legal instruments related to the prevention and suppression of international terrorism

178. Currently, there are 27 global or regional instruments pertaining to the subject of international terrorism. Each instrument listed below is represented by the letter shown on the left, which is featured in tables 1 and 2 to reflect the status of the corresponding instrument:

A. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 (entered into force on 4 December 1969): status as at 1 June 2005;[22]

B. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 (entered into force on 14 October 1971): status as at 1 June 2005;[22]

C. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 (entered into force on 26 January 1973): status as at 1 June 2005;[22]

D. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988 (entered into force on 6 August 1989): status as at 1 June 2005;[22]

E. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly on 14 December 1973 (entered into force on 20 February 1977): status as at 23 June 2005;[22]

F. International Convention against the Taking of Hostages, adopted by the General Assembly on 17 December 1979 (entered into force on 3 June 1983): status as at 23 June 2005;[23]

G. Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980 (entered into force on 8 February 1987): status as at 31 May 2005;[23]

H. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988 (entered into force on 1 March 1992): status as at 31 May 2005;[24]

I. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988 (entered into force on 1 March 1992): status as at 31 May 2005;[25]

J. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991 (entered into force on 21 June 1998): status as at 1 June 2005;[22]

K. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly on 15 December 1997 (entered into force on 23 May 2001): status as at 23 June 2005;[23]

L. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly on 9 December 1999 (entered into force on 10 April 2002): status as at 23 June 2005;[23]

M. International Convention for the Suppression of Acts of Nuclear Terrorism, adopted by the General Assembly on 13 April 2005 (will be opened for signature on 14 September 2005);[23]

N. Arab Convention on the Suppression of Terrorism, signed at the General Secretariat of the League of Arab States in Cairo on 22 April 1998 (entered into force on 7 May 1999): status as at 31 May 2005;

O. Convention of the Organization of the Islamic Conference on Combating International Terrorism, adopted at Ouagadougou on 1 July 1999 (entered into force on 7 November 2002): status as at 22 December 2004;

P. European Convention on the Suppression of Terrorism, concluded at Strasbourg on 27 January 1977 (entered into force on 4 August 1978): status as at 24 June 2005;[26]

Q. Protocol amending the European Convention on the Suppression of Terrorism, adopted at Strasbourg, on 15 May 2003: status as at 24 June 2005;[26]

R. OAS Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance, concluded at Washington, D.C., on 2 February 1971 (entered into force on 16 October 1973): status as at 21 June 2005;[26]

S. Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism, adopted at Algiers on 14 July 1999 (entered into force on 6 December 2002): status as at 24 June 2005;[27]

T. Protocol to the OAU Convention on the Prevention and Combating of Terrorism, adopted at Addis Ababa on 8 July 2004: status as at 24 June 2005;[28]

U. South Asian Association for Regional Cooperation (SAARC) Regional Convention on Suppression of Terrorism, signed at Kathmandu on 4 November 1987 (entered into force on 22 August 1988): all seven States members of SAARC (Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka) are parties to the Convention;

V. Additional Protocol to the SAARC Regional Convention on Suppression of Terrorism, adopted at Islamabad on 6 January 2004: status as at 16 May 2005;

W. Shanghai Convention on Combating Terrorism, Separatism and Extremism, adopted at Shanghai on 15 June 2001 (entered into force on 29 March 2003): status as at 15 June 2005;

X. Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism, done at Minsk on 4 June 1999 (entered into force on 3 October 2000 for Tajikistan, on 5 December 2000 for Kazakhstan, on 6 February 2001 for Kyrgyzstan, on 22 August 2001 for the Republic of Moldova, on 28 December 2001 for Armenia, on 18 April 2004 for Belarus and on 13 January 2005 for the Russian Federation): status as at 30 May 2005;

Y. Inter-American Convention against Terrorism, adopted at Bridgetown on 3 June 2002 (entered into force on 10 July 2003): status as at 21 June 2005;[27]

Z. Council of Europe Convention on the Prevention of Terrorism, adopted at Warsaw on 16 May 2005: status as at 24 June 2005;[26]

AA. Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, adopted at Warsaw on 16 May 2005: status as at 24 June 2005.[26]

Table 1
Total participation in international instruments pertaining to international terrorism

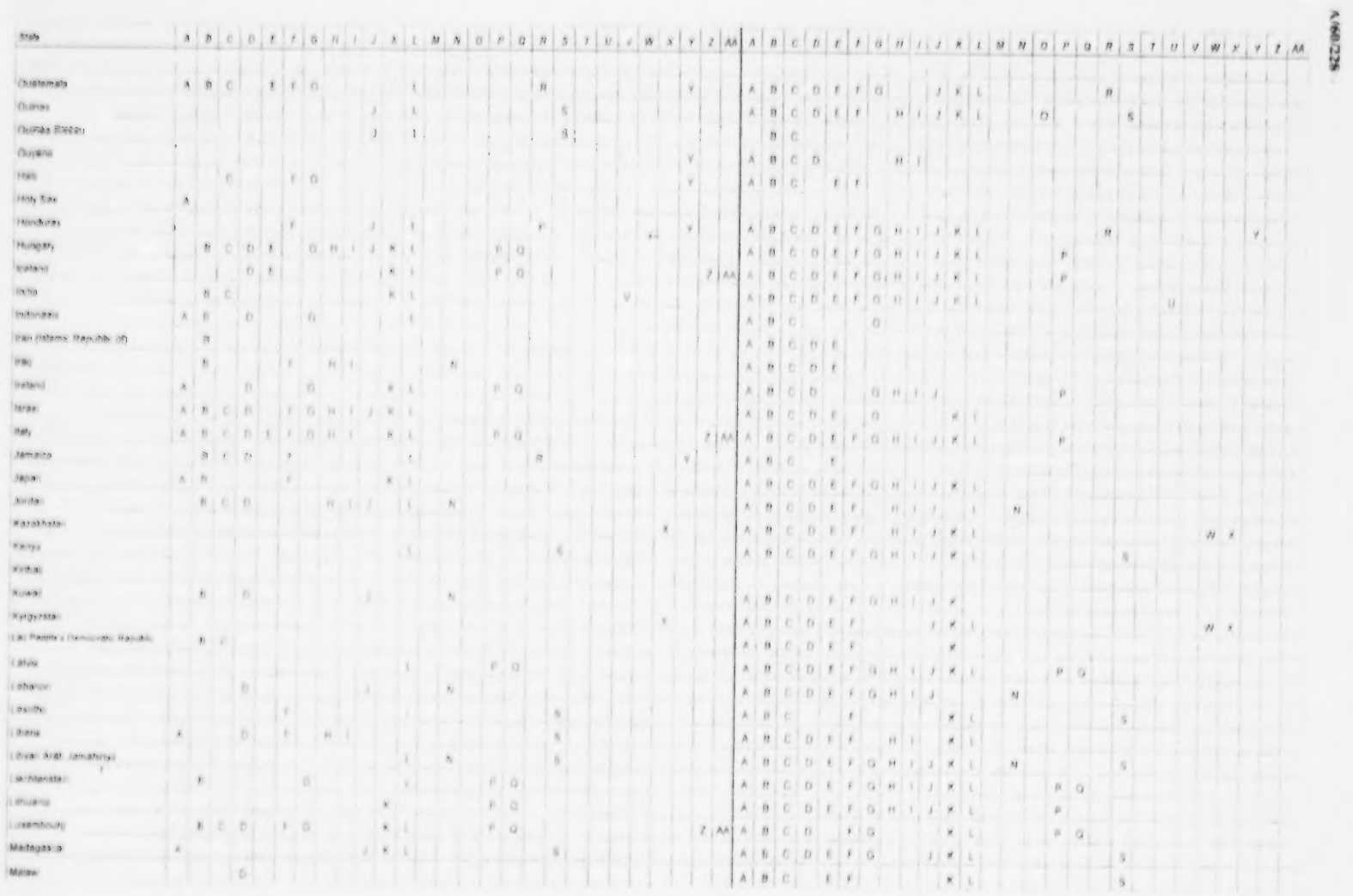
Signature																									
A	*B*	*C*	*D*	*E*	*F*	*G*	*H*	*I*	*J*	*K*	*L*	*M*	*N*	*O*	*P*	*Q*	*R*	*S*	*T*	*U*	*V*	*W*	*X*	*Y*	*Z*	*AA*
40	76	59	68	25	39	45[c]	41	39	51	58	132	—	22[b]	8	45	44	19	46[c]	1	—	7	—	8	33	19	13
Ratification, accession or succession[d]																									
A	*B*	*C*	*D*	*E*	*F*	*G*	*H*	*I*	*J*	*K*	*L*	*M*	*N*	*O*	*P*	*Q*	*R*	*S*	*T*	*U*	*V*	*W*	*X*	*Y*	*Z*	*AA*
179	178	180	148	155	148	112[a]	119	108	115	138	137	—	17[b]	10[b]	44	18	17	36[c]	—	7	2	6	7	12	—	—

[a] Includes the European Atomic Energy Community, which is not listed in table 2.
[b] Includes the Palestinian Authority, which is not listed in table 2.
[c] Includes the Saharawi Arab Democratic Republic, which is not listed in table 2.
[d] Includes signatures not subject to ratification.

Table 2

Status of participation in international instruments pertaining to international terrorism

State	Signature																										Ratification, accession, succession																										
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA
Afghanistan		B								J																		A	B	C		E	F	G	H	I	J	K	L														
Albania												L				P	Q											A	B	C	D	E	F	G	H	I	J	K	L				P	Q										
Algeria											K	L		N	O				S									A	B	C	D	E	F	G	H			J	K	L		N				S							
Andorra												L				P	Q												B			E	F						K															
Angola														I					S									A	B	C																S								
Antigua and Barbuda																									Y			A	B	C		E	F	G						L											Y		
Argentina		B	C	D			G	H	I	J	K	L													Y			A	B	C	D	E	F	G	H	I	J	K															
Armenia												L				P	Q							X				A	B	C	D	E	F	G				K	L				P	Q						X			
Australia		B	C		E		G					L																A	B	C	D	E	F	G	H	I		K	L														
Austria		B	C	D		F	G	H		J	K	L				P	Q									Z	AA	A	B	C	D	E	F	G	H	I	J	K	L				P										
Azerbaijan												L				P	Q							X		Z		A	B	C	D	E	F	G	H	I	J	K	L				P										
Bahamas								H	I			L													Y			A	B	C		E	F																					
Bahrain												L		N														A	B	C	D							J	K	L		N	O											
Bangladesh																						V						A	B	C		E	F	G				K									U						
Barbados	A	B	C									L													Y			A	B	C	D	E	F		H	I	J	K	L														
Belarus		B	C	D	E			H	I	J	K	L																A	B	C	D	E	F	G	H	I	J	K	L												X		
Belgium	A	B	C	D		F	G	H	I	J	K	L				P	Q										AA	A	B	C	D	E	F	G	H	I		K	L				P										
Belize										J		L													Y			A	B	C	D	E	F					K	L														
Benin		B										L							S									A	B	C	D	E	F				J	K	L							S							
Bhutan												L										V						A	B	C		E	F						L								U	V					
Bolivia						F				J		L						R							Y			A	B	C	D	E	F	G	H	I	J	K	L						R							
Bosnia and Herzegovina												L				P	Q											A	B	C	D	E	F	G	H	I	J	K	L				P										
Botswana			C									L							S									A	B	C	D	E	F	G	H	I	J	K	L														
Brazil	A	B	C	D			G	H	I	J	K	L													Y			A	B	C	D	E	F	G			J	K							R							
Brunei Darussalam								H	I																			A	B	C	D	E	F		H	I		K	L														
Bulgaria		B	C	D	E		G	H	I	J		L				P	Q											A	B	C	D	E	F	G	H	I	J	K	L				P	Q										
Burkina Faso	A														O				S									A	B	C	D	E	F	G	H	I	J	K	L							S							
Burundi		B	C								K	L							S									A		C		E								L							S							
Cambodia		B										L																A	B	C	D																								
Cameroon				D															S									A	B	C	D	E	F	G			J	K															
Canada	A	B	C	D	E	F	G	H	I	J	K	L													Y			A	B	C	D	E	F	G	H	I	J	K	L													Y		
Cape Verde												L																A	B	C	D	E	F		H	I	J	K	L							S							
Central African Republic												L							S									A	B	C	D																								
Chad		B	C									L							S									A	B	C																								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Guinea
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Haiti
Holy See
Honduras
Hungary
Iceland
India
Indonesia
Iran (Islamic Republic of)
Iraq
Ireland
Israel
Italy
Jamaica
Japan
Jordan
Kazakhstan
Kenya
Kiribati
Kuwait
Kyrgyzstan
Lao People's Democratic Republic
Latvia
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Liechtenstein
Lithuania
Luxembourg
Madagascar
Malawi

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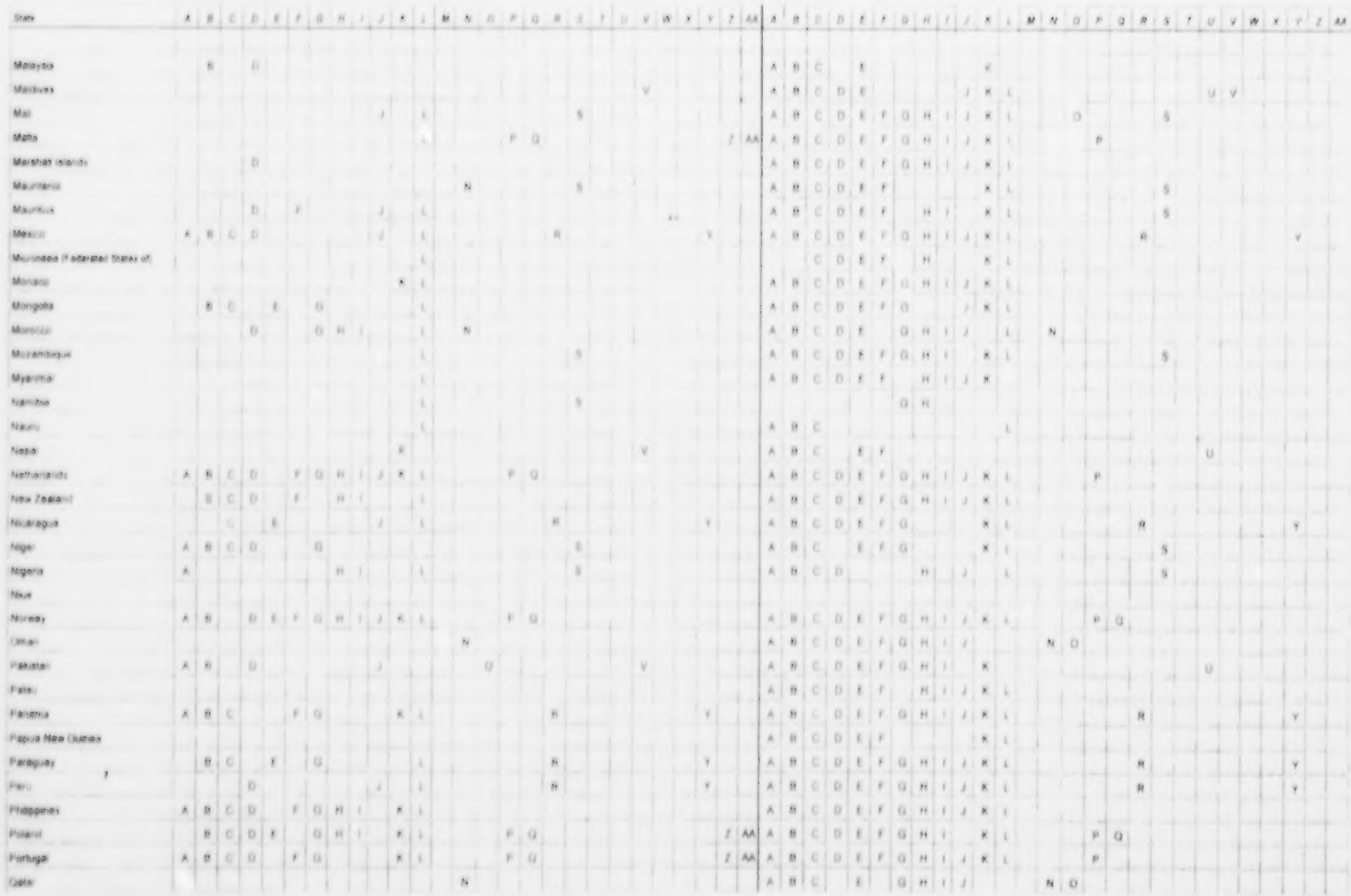
State
A B C D E F G H I J K L M N O P Q R S T U V W X Y Z AA
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Maldives
Mali
Malta
Marshall Islands
Mauritania
Mauritius
Mexico
Micronesia (Federated States of)
Monaco
Mongolia
Morocco
Mozambique
Myanmar
Namibia
Nauru
Nepal
Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Niue
Norway
Oman
Pakistan
Palau
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Poland
Portugal
Qatar

State	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA
Republic of Korea	A			D			G			J	K	L															
Republic of Moldova												L				P	Q							X		Z	AA
Romania		B	C	D	E		G				K	L				P	Q									Z	AA
Russian Federation		B	C	D	E		G	H	I	J	K	L				P	Q							X			
Rwanda		B	C		E							L							S								
Saint Kitts and Nevis												L													Y		
Saint Lucia																									Y		
Saint Vincent and the Grenadines				D								L													Y		
Samoa												L															
San Marino												L				P	Q										
Sao Tome and Principe																											
Saudi Arabia	A			D				H	I			L		N	O												
Senegal	A	B	C	D		F				J									S								
Serbia and Montenegro							G					L				P	Q									Z	AA
Seychelles								H	I			L							S								
Sierra Leone		B										L			O				S								
Singapore		B	C									L															
Slovakia											K	L				P	Q										
Slovenia											K	L				P	Q										
Solomon Islands																											
Somalia												L		N													
South Africa		B	C				G				K	L							S								
Spain	A	B	C	D			G	H	I	J	K	L				P	Q									Z	
Sri Lanka				D							K	L										V					
Sudan											K	L		N					S								
Suriname						F																			Y		
Swaziland																			S								
Sweden	A	B		D	E	F	G	H	I	J	K	L				P	Q									Z	AA
Switzerland	A	B	C	D		F	G	H	I	J		L				P	Q										
Syrian Arab Republic														N													
Tajikistan												L												X			
Thailand		B										L															
The former Yugoslav Republic of Macedonia											K	L				P	Q										
Timor-Leste																											
Togo				D		F				J	K	L							S								

State	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA
Republic of Korea	A	B	C	D	E	F	G	H	I	J	K	L															
Republic of Moldova	A	B	C	D	E	F	G			J	K	L				P	Q							X			
Romania	A	B	C	D	E	F	G	H	I	J	K	L				P	Q										
Russian Federation	A	B	C	D	E	F	G	H	I		K	L				P							W	X			
Rwanda	A	B	C	D	E	F					K	L							S								
Saint Kitts and Nevis						F		H		J	K	L															
Saint Lucia	A	B	C	D				H	I																		
Saint Vincent and the Grenadines	A	B	C	D	E	F		H	I			L															
Samoa	A	B	C	D				H		J		L															
San Marino											K	L				P											
Sao Tome and Principe																											
Saudi Arabia	A	B	C	D	E	F				J				N	O												
Senegal	A	B	C	D		F	G	H	I	J	K	L							S								
Serbia and Montenegro	A	B	C	D	E	F	G	H	I		K	L				P											
Seychelles	A	B	C	D	E	F	G	H	I	J	K	L							S								
Sierra Leone	A	B	C		E	F					K	L															
Singapore	A	B	C	D				H		J		L															
Slovakia	A	B	C	D	E	F	G	H	I	J	K	L				P											
Slovenia	A	B	C	D	E	F	G	H	I	J	K	L				P	Q										
Solomon Islands	A		C																								
Somalia																											
South Africa	A	B	C	D	E	F				J	K	L							S								
Spain	A	B	C	D	E	F	G	H	I	J	K	L				P											
Sri Lanka	A	B	C	D	E	F		H		J	K	L									U						
Sudan	A	B	C	D	E	F	G	H	I	J	K	L		N	O				S								
Suriname	A	B	C	D		F				J																	
Swaziland	A	B	C		E	F	G	H	I	J	K	L															
Sweden	A	B	C	D	E	F	G				K	L				P											
Switzerland	A	B	C	D	E	F	G	H	I	J	K	L															
Syrian Arab Republic	A	B	C	D	E			H	I	J		L		N													
Tajikistan	A	B	C	D	E	F	G				K	L											W	X			
Thailand	A	E		D								L															
The former Yugoslav Republic of Macedonia	A	B	C	D	E	F	G			J	K	L				P											
Timor-Leste																											
Togo	A	B	C	D	E	F		H	I	J	K	L							S								

State	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA
Tonga																											
Trinidad and Tobago		B	C															R							Y		
Tunisia					E							L		N	O				S	T							
Turkey		B	C	D			G	H	I	J	K	L				P	Q										
Turkmenistan											K																
Tuvalu																											
Uganda						F					K	L			O				S								
Ukraine		B	C	D	E			H	I	J		L				P	Q									Z	
United Arab Emirates				D										N							J						
United Kingdom of Great Britain and Northern Ireland	A	B	C	D	E	F	G	H	I	J	K	L				P	Q									Z	
United Republic of Tanzania																			S								
United States of America	A	B	C	D	E	F	G	H	I	J	K	L						R							Y		
Uruguay											K	L						R							Y		
Uzbekistan											K	L															
Vanuatu																											
Venezuela	A	B	C	D							K	L						R							Y		
Viet Nam																											
Yemen			C											N													
Zambia																											
Zimbabwe																											

State	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA
Tonga	A	B	C	D	E	F	G	H	I	J	K	L															
Trinidad and Tobago	A	B	C	D	E	F	G	H	I	J	K																
Tunisia	A	B	C	D	E	F	G	H	I	J	K	L		N	O				S								
Turkey	A	B	C	D	E	F	G	H	I	J	K	L				P	Q										
Turkmenistan	A	B	C	D	E	F	G	H	I	J	K	L															
Tuvalu																											
Uganda	A	B	C	D	E	F	G	H	I	J	K	L							S								
Ukraine	A	B	C	D	E	F	G	H	I	J	K	L				P											
United Arab Emirates	A	B	C	D	E	F	G			J				N													
United Kingdom of Great Britain and Northern Ireland	A	B	C	D	E	F	G	H	I	J	K	L				P			S								
United Republic of Tanzania	A	B	C	D		F		H		J	K	L															
United States of America	A	B	C	D	E	F	G	H	I	J	K	L						R									
Uruguay	A	B	C	D	E	F	G	H	I	J	K	L						R									
Uzbekistan	A	B	C	D	E	F	G	H	I	J	K	L											W				
Vanuatu	A	B	C					H	I																		
Venezuela	A	B	C		E	F					K	L						R									
Viet Nam	A	B	C	D	E			H	I			L															
Yemen	A	B	C		E	F		H	I		K			N													
Zambia	A	B	C							J																	
Zimbabwe	A	B	C																								

V. Recent developments related to General Assembly resolution 51/210

179. By its resolution 59/46, the General Assembly reaffirmed the mandate of the Ad Hoc Committee established by General Assembly resolution 51/210. At its ninth session, held from 28 March to 1 April 2005, the Ad Hoc Committee finalized the text of the International Convention for the Suppression of Acts of Nuclear Terrorism[29] and recommended it to the General Assembly for adoption.[23]

180. The work of the Ad Hoc Committee is expected to continue during the sixtieth session of the General Assembly, within the framework of a working group of the Sixth Committee.

181. The Chairman of the Sixth Committee convened informal consultations of the Sixth Committee from 25 to 29 July 2005 to provide further opportunity to the delegations and the coordinator of the draft comprehensive convention on international terrorism to continue the consultations on the pending issues relating to the draft convention.

VI. Information on workshops and training courses on combating crimes connected with international terrorism

182. IAEA pointed out that training and education were fundamental to the Agency's approach to enhancing physical protection systems in States. Training courses, workshops and seminars that had been held on six continents had raised awareness and had provided hands-on experience of various subjects including the physical protection of research facilities, the practical operation of physical protection systems, and the engineering safety aspects of physical protection managing situations involving malevolent acts. In the area of physical protection 60 courses had been conducted in the past three years.

183. ICAO pointed out that it was continuing the development of its programme for aviation security, designed for global application. Ten aviation security training packages had been completed and were available for sale and distribution throughout the civil aviation community.

184. IMO pointed out that a subregional seminar on piracy and armed robbery against ships and maritime security for the Red Sea and the Gulf of Aden had been conducted in Aden, Yemen, from 9 to 13 April 2005. A seminar on safety, security and environmental protection in the Straits of Malacca and Singapore and an IMO/Association of South-East Asian Nations workshop on the review of the implementation of the International Code for the Security of Ships and Port Facilities were planned for September 2005.

185. IMO further recalled that 18 regional and 55 national seminars/workshops, as well as 32 country advisory missions on maritime security, had been delivered and approximately 3,800 people had been trained.

186. IMO had developed and published three model courses, for ship security officers, company security officer and port facility security officers. The courses were available in English, French and Spanish.

187. OSCE indicated that its Office of the Coordinator of Economic and Environmental Affairs, in cooperation with UNODC, had organized national workshops on combating money-laundering and suppressing of the financing of terrorism in Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Uzbekistan and Tajikistan. The Office had organized additional workshops in Armenia, Georgia, Kazakhstan and Kyrgyzstan to help those States to build the capacity of their financial intelligence units.

188. Following the 2004 Ministerial Council decision on enhancing container security, the Action against Terrorism Unit organized a technical expert workshop on container security, held on 7 and 8 February 2005, in which 170 persons participated.

189. Together with UNICRI, OSCE had addressed the problem of suicide terrorism as a threat increasingly affecting the OSCE region. The workshop held on 20 May 2005 in Vienna had contributed to a better understanding of the phenomenon.

VII. Publication of a compendium of national laws and regulations regarding the prevention and suppression of international terrorism in all its forms and manifestations

190. As part of the *United Nations Legislative Series*, the Secretariat has issued a second volume of *National Laws and Regulations on the Prevention and Suppression of International Terrorism*, in two books: part II (A-L) (ST/LEG/SER.B/23) and part II (M-Z) (ST/LEG/SER.B/24). The volume contains information received from Member States, including some submitted to the Counter-Terrorism Committee.

Notes

[1] See also the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism (resolution 51/210, annex).

[2] Information on the participation of States in multilateral agreements relating to the suppression of international terrorism is presented in section IV.

[3] See table 2.

[4] Available, in English, in the Codification Division of the Office of Legal Affairs.

[5] Morocco's reply was received through the League of Arab States.

[6] The text of articles 48, 52-54, 93, 95-97, 131-132, 134, 149 and 199-201 of the Penal Code of the Sultanate of Oman; articles 41 and 60 of the Control of Drugs and Psychotropic Substances Act; articles 4, 6, 9 and 13 of the Money-Laundering Act; articles 24-25, 27 and 31 of the Alien Residence Act; article 16 of the Omani Passport Act; article 15 of the Identity Card Act; and article 28 of the Weapons and Explosives Act are available, in Arabic with their English translations, in the Codification Division of the Office of Legal Affairs.

[7] Available, in French, in the Codification Division of the Office of Legal Affairs.

[8] Qatar's reply was received through the League of Arab States.

[9] Available, in English, in the Codification Division of the Office of Legal Affairs.

[10] Available, in English, in the Codification Division of the Office of Legal Affairs.

[11] Held from 28 September to 8 October 2004 in Montreal, Canada.

[12] See section II.A.

[13] Available, in Arabic, in the Codification Division of the Office of Legal Affairs.

[14] Available, in Arabic, in the Codification Division of the Office of Legal Affairs.

[15] Available, in Arabic and French, in the Codification Division of the Office of Legal Affairs.

[16] Available, in Arabic, in the Codification Division of the Office of Legal Affairs.

[17] Available, in Arabic, in the Codification Division of the Office of Legal Affairs.

[18] Available, in Arabic, in the Codification Division of the Office of Legal Affairs.

[19] More than 600 reports have been analysed since resolution 1373 (2001) was adopted in September 2001.

[20] http://www.un.org/Docs/sc/committees/1373/.

[21] Recommendation 18 of the report of the Policy Working Group on the United Nations and Terrorism (A/57/273-S/2002/875, annex).

[22] Updated information may be found at http://www.icao.int/icao/en/leb.

[23] Updated information may be found at http://untreaty.un.org.

[24] Updated information may be found at http://www.iaea.org/Publications/Documents/Conventions/index.html.

[25] Updated information may be found at http://www.imo.org.

[26] Updated information may be found at http://www.coe.int.

[27] Updated information may be found at http://www.oas.org.

[28] Updated information may be found at http://www.africa-union.org.

[29] A/60/37, paragraph 19. The General Assembly adopted the draft Convention in its resolution 59/290 of 15 April 2005.

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Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Security Council
Sixtieth year

Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and to the members of the Security Council the tenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, submitted by the President of the International Tribunal for Rwanda in accordance with article 32 of its statute (see Security Council resolution 955 (1994), annex), which states:

> "The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly."

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A/60/229
S/2005/534

Tenth Annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Summary

Overview. During the period under review, from 1 July 2004 to 30 June 2005, the Trial Chambers of the International Criminal Tribunal for Rwanda delivered three trial judgements in cases involving three accused (*Ndindabahizi*, *Rutaganira* and *Muhimana*). Thus, 19 judgements involving 25 accused have been delivered since the commencement of the first trial in January 1997. Of these 25 persons, 22 have been convicted and 3 acquitted. In addition, 25 persons are currently on trial, which brings the number of persons whose trials have either been completed or are in progress to 50. They include 1 Prime Minister, 11 Government Ministers, 4 Prefects, 7 *bourgmestres* and many other high-ranking personalities. This illustrates the importance of the Tribunal in establishing the guilt and innocence of alleged leaders in 1994 who would probably not have been brought before a court had it not been for the Tribunal. Sixteen detainees are awaiting trial.

The Appeals Chamber delivered four appeals judgements in respect of five persons during the period under review. Appeals of trial judgements in 10 cases, as well as 28 interlocutory appeals and one application for review of a trial judgement, are currently under consideration by the Appeals Chamber.

New trials. The Tribunal has commenced five trials involving seven accused during the period under review. The *Simba* trial, which commenced on 30 August 2004, concluded with closing arguments on 8 July 2005. The *Seromba* trial (one accused) and the joint *Military II* trial (four accused) started on 20 September 2004. In the Rutaganira case, which commenced on 8 December 2004, the Trial Chamber accepted a plea of guilt to a crime against humanity (extermination) and acquitted the accused of all other charges. On 14 March 2005, he was sentenced to six years imprisonment. The *Rwamakuba* trial (one accused) commenced on 9 June 2005. These trials were heard in conjunction with four joint cases — *Butare* (six accused), *Military I* (four accused), *Government* (four accused) and *Karemera et al.* (three accused). The first three of these joint trials have reached the stage of the presentation of the defence case.

Completion strategy. A revised completion strategy was submitted to the Security Council on 23 May 2005 (S/2005/336, enclosure) in conformity with Security Council resolution 1503 (2003). It confirms that the Tribunal is on course to complete trials involving 65 to 70 persons by 2008, depending on progress in present and future trials. The success of the completion strategy is dependent on the assistance and cooperation of States. They are requested to assist with the apprehension of the indictees and suspects who remain at large. Member States are also asked to accept the transfer of cases for further investigation and trials.

The completion strategy is premised on the Prosecutor concentrating on those individuals who are alleged to have been in positions of leadership and bear the gravest responsibility for the crimes committed. Accused and suspects who are alleged to have been mid- to low-level participants will be transferred to national jurisdictions, including Rwanda, for trial. By 30 June 2005, the Prosecutor had transferred the files of 15 suspects to Rwanda for this purpose.

The Tribunal must be provided with sufficient resources if it is to comply with Security Council resolution 1503 (2003). During the period under review, the United Nations administration imposed a freeze on the recruitment of new staff at the Tribunal, due to delays in the payment of contributions to the ad hoc tribunals by Member States. The situation became critical and threatened to have a significant effect on the completion strategy. The lifting of the freeze at the beginning of 2005 allowed the Tribunal to recruit key personnel directly related to court proceedings.

A fourth courtroom was inaugurated on 1 March 2005, financed through voluntary contributions from the Governments of Norway and the United Kingdom of Great Britain and Northern Ireland. It was less expensive than any of the previous courtrooms, was constructed within four weeks and was used for trials from the date of its inauguration. The fourth courtroom is an important element of the Tribunal's completion strategy. With nine ongoing trials and only three courtrooms, the trials had to be conducted in morning and afternoon shifts and thus progressed at a slow pace. Each shift allows for about four efficient hours in the courtroom, whereas a full-day session allows a Chamber to sit for about six hours. This had a particular impact on the joint trials, which require a great deal of time in the courtroom. The construction of the fourth courtroom has facilitated their steady progress.

Ad litem judges. In September 2004, the Secretary-General appointed four ad litem judges to the Tribunal, following requests by its President. This brought the number of ad litem judges at the Tribunal to nine, the maximum number permitted under Security Council resolution 1512 (2003). The arrival of these four ad litem judges made it possible to commence two trials. The nine ad litem judges have so far been involved in nine trials.

Relationship with Rwanda. High-level contacts between the Tribunal and Rwanda have been maintained. Officials from the Tribunal and Rwanda met as often as necessary to strengthen cooperation and increase awareness and support for the Tribunal's work.

Outreach programme. The outreach programme continues to be a priority, with the Information Centre in Rwanda being its focal point. A cornerstone of the programme is capacity-building. To this end, seminars and workshops on international humanitarian and criminal law were held for Rwandan legal practitioners.

I. Specific information

1. The present annual report is submitted to the General Assembly and the Security Council by the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, pursuant to Article 32 of the Tribunal's Statute.

A. Office of the President

2. The President of the Tribunal is Judge Erik Møse (Norway), and the Vice-President is Judge Arlette Ramaroson (Madagascar).[1]

Completion strategy

3. During the period under review, the President updated the Tribunal's completion strategy in consultation with the Prosecutor. The completion strategy document was first submitted in July 2003, followed by updated and revised versions in September 2003, April 2004, November 2004 and May 2005. On 23 November 2004 and 13 June 2005, the President and the Prosecutor presented their assessment of the implementation of the completion strategy to the Security Council, in conformity with Council resolution 1534 (2004).

4. On the basis of currently available information, it is projected that trials involving 25 accused, which are currently in progress, could be completed in the course of 2006 and 2007. New trials will start as soon as Trial Chamber capacity is available. The Tribunal is currently on course to complete trials involving 65 to 70 persons by 2008, the deadline set by the Security Council.

5. Essential to the completion strategy is the increase in judicial capacity facilitated by the creation of a pool of ad litem judges, pursuant to Security Council resolutions 1431 (2002) and 1512 (2003). During the period under review, the Secretary-General appointed four ad litem judges to the Tribunal, bringing the number of ad litem judges at the Tribunal to nine, the maximum number permitted. The arrival of these four ad litem judges made it possible to start two new trials.

Scheduling of trials

6. One of the main managerial duties of the President is the scheduling and planning of present and future trials. To enable maximum utilization of resources and in the interest of efficiency, trials are conducted either in morning and afternoon shifts in the same courtroom (shift system) or at the same time as other trials (twin-tracking system). When scheduling cases, priority is always given to joint trials. Experience shows that the twin-tracking system is most efficient and produces maximum results when a joint trial is twin-tracked with the trial of a single accused. Two new trials are scheduled to commence in the second half of 2005.

Rulings

7. The President ruled on applications for review of the Registrar's decisions on matters arising from fee disputes, remuneration for expert witnesses, prohibition of contact in respect of detainees and denial of requests by defence teams to interview detainees. As a member of the Bureau, the President considered applications from the defence for the disqualification of judges and applications from two convicted prisoners for commutation of their sentences.

B. Chambers

8. The Chambers are composed of 16 permanent judges and a maximum of 9 ad litem judges. Nine permanent judges are members of the three Trial Chambers, which is supplemented by ad litem judges. Seven permanent judges are members of the Appeals Chamber, five of whom sit at any one time.

9. During the period under review, the composition of the Chambers was as follows:

(a) Trial Chamber I: Judge Erik Møse (Norway), Judge Jai Ram Reddy (Fiji) and Judge Sergei Alekseevich Egorov (Russian Federation);

(b) Trial Chamber II: Judge William Hussein Sekule (United Republic of Tanzania), Judge Arlette Ramaroson (Madagascar) and Judge Asoka de Silva (Sri Lanka);[2]

(c) Trial Chamber III: Judge Andrésia Vaz (Senegal), Judge Khalida Rashid Khan (Pakistan) and Judge Dennis Charles Michael Byron (Saint Kitts and Nevis);

(d) Appeals Chamber: Judge Theodor Meron (United States of America), Judge Mohamed Shahabuddeen (Guyana), Judge Florence Mumba (Zambia), Judge Mehmet Güney (Turkey), Judge Fausto Pocar (Italy), Judge Wolfgang Schomburg (Germany) and Judge Inés Mónica Weinberg de Roca (Argentina);

(e) Ad litem judges: Judge Solomy Balungi Bossa (Uganda), Judge Flavia Lattanzi (Italy), Judge Lee Gacugia Muthoga (Kenya), Judge Florence Rita Arrey (Cameroon), Judge Emile Francis Short (Ghana), Judge Karin Hökborg (Sweden), Judge Taghrid Hikmet (Jordan), Judge Seon Ki Park (Republic of Korea) and Judge Gberdao Gustave Kam (Burkina Faso).

Trial Chamber I

10. During the period under review, Trial Chamber I rendered one judgement, conducted trials in two cases involving four and one accused, respectively, and attended to pre-trial matters in four single-accused cases.

The Prosecutor v. Emmanuel Ndindabahizi

11. On 15 July 2004, Emmanuel Ndindabahizi, a former Minister of Finance, was unanimously convicted of genocide and crimes against humanity (extermination and murder) and sentenced to imprisonment for the remainder of his life. This trial lasted only 29 days, and judgement was rendered 10 and a half months after its start.

The Prosecutor v. Theoneste Bagosora, Gratien Kabiligi, Aloys Ntabakuze and Anatole Nsengiyumva (Military I Case)

12. Significant progress was made in this trial, involving four alleged senior military leaders in the Rwandan Armed Forces in 1994. The prosecution closed its case on 14 October 2004, having presented 82 witnesses over 202 trial days. The Chamber denied defence motions for judgements of acquittal at the close of the prosecution case. The defence case, which was originally scheduled for 12 January 2005, had to be adjourned following the withdrawal of an assigned lead counsel by the Registrar. The trial resumed on 11 April 2005, following the assignment of a new lead counsel. From that point, 23 defence witnesses testified over 34 trial days.

The Prosecutor v. Aloys Simba

13. The trial of this accused, who in 1994 was a retired military officer and a former member of parliament, commenced on 30 August 2004 and was heard in its entirety during the period under review. The prosecution called 16 witnesses over 29 trial days and closed its case on 10 November 2004. The defence commenced its case on 13 December 2004 and presented 20 witnesses, including the accused, over 22 trial days. Most of the witnesses were heard in the Tribunal's new fourth courtroom. Closing arguments were heard on 7 and 8 July 2005.

Pre-trial matters

14. The Chamber attended to pre-trial matters in four cases. In the case of *The Prosecutor v. Mpambara*, a motion by the prosecution to amend the indictment was granted. The accused pleaded not guilty to the additional charges at a further initial appearance. The Chamber also held a status conference to discuss final preparations for the commencement of trial, which is scheduled for 19 September 2005. In the case of *The Prosecutor v. Gatete*, two decisions, including on the granting of leave to the prosecution to amend the indictment, were issued. The Chamber also rendered two decisions concerning the translation of documents and witness protection in the case of *The Prosecutor v. Kanyarukiga* and a decision on assignment of counsel in case of *The Prosecutor v. Nchamihigo*.

Trial Chamber II

15. During the period under review, Trial Chamber II conducted trials in four cases involving a total of 15 accused and attended to pre-trial matters in five single-accused cases.

The Prosecutor v. Pauline Nyiramasuhuko, Arsène Shalom Ntahobali, Sylvain Nsabimana, Alphonse Nteziryayo, Joseph Kanyabashi and Elie Ndayambaje (Butare Case)

16. This very voluminous trial has progressed to an advanced stage. The prosecution closed its case on 4 November 2004 after 58 witnesses testified over 212 trial days. The defence case commenced on 31 January 2005, when the first accused opened her defence. Twenty-four defence witnesses have thus far testified. Thirty written and 27 oral decisions were rendered during the period under review.

The Prosecutor v. Casimir Bizimungu, Justin Mugenzi, Prosper Mugiraneza, and Jérôme Bicamumpaka (Bizimungu et al.)

17. On 23 June 2005, the prosecution in this joint trial of four alleged government ministers closed its case after 57 witnesses had testified over 178 trial days. The defence case is scheduled to commence on 1 November 2005. During the period under review, 44 written and 19 oral decisions were rendered.

The Prosecutor v. Augustin Ndindiliyimana, Augustin Bizimungu, Francois-Xavier Nzuwonemeye and Innocent Sagahutu (Military II Case)

18. This joint trial of four alleged senior military officers commenced on 20 September 2004. Twenty-eight prosecution witnesses have so far testified over 85 trial days. Twenty written decisions and 23 oral decisions have been rendered since the commencement of the trial.

The Prosecutor v. Tharcisse Muvunyi

19. This trial commenced on 28 February 2004. Eighteen prosecution witnesses testified over 36 trial days. The prosecution case was completed in July 2005.

Pre-trial matters

20. The Chamber attended to pre-trial matters in five cases. In the case of *The Prosecutor v. Renzaho*, there was a further initial appearance and a status conference on 3 June 2005. A status conference was also held in the case of *The Prosecutor v. Bisengimana* to ascertain the readiness of the parties to proceed to trial. The Chamber carried out pre-trial activities in the cases of *The Prosecutor v. Nzabirinda*, *The Prosecutor v. Nsengimana* and *The Prosecutor v. Rugambarara*.

Trial Chamber III

21. During the period under review, Trial Chamber III rendered two judgements, conducted trials in two cases involving 2 accused and attended to pre-trial matters in cases involving 10 accused.

The Prosecutor v. Mikaeli Muhimana

22. On 28 April 2005, Mikaeli Muhimana, a *conseiller*, was convicted of genocide and crimes against humanity (murder and rape) and sentenced to imprisonment for the remainder of his life. This judgement made a significant contribution to the Tribunal's jurisprudence on rape. The trial in this case, which commenced on 29 March 2004, closed on 20 January 2005 after the presentation of closing arguments. During the course of 34 trial days, 19 prosecution witnesses and 33 defence witnesses testified.

The Prosecutor v. Edouard Karemera, André Rwamakuba, Mathieu Ngirumpatse and Joseph Nzirorera

23. The trial in this case originally commenced on 27 November 2003. Following an appeal filed by the defence, the Appeals Chamber, in its decision of 28 September 2004 and reasons on 22 October 2004, disqualified the judges engaged in the trial and ordered that the trial start *de novo* before a newly constituted Trial Chamber (see para. 41). On 14 February 2005, Rwamakuba was

severed from this case and is now being tried as a single accused (see para. 26). The joint trial of the remaining three accused is scheduled to start on 5 September 2005.

The Prosecutor v. Vincent Rutaganira

24. On 8 December 2004, Vincent Rutaganira, a *conseiller*, pleaded guilty to crimes against humanity (extermination). The Chamber accepted the guilty plea and, as Rutaganira had been jointly indicted, ordered the severance of the indictment. The parties presented their submissions on sentencing and a joint recommendation was made for a term of imprisonment in the range of six to eight years. Rutaganira's conduct was found to have constituted an omission and resulted in complicity. On 14 March 2005, the accused was sentenced to six years' imprisonment.

The Prosecutor v. Athanase Seromba

25. The trial of this accused, a Catholic priest at the parish of Nyange in Kibuye prefecture, commenced on 20 September 2005. The prosecution closed its case on 25 January 2005 after 15 witnesses had testified over 25 trial days. The defence case was scheduled to commence on 10 May 2005. However, on 15 April 2005, the accused requested a withdrawal of his assigned lead counsel, which resulted in a delay in the resumption of trial. On 20 May 2005, the Registrar withdrew the assigned lead counsel. On completion of the required procedures by the accused, co-counsel was appointed lead counsel on 8 June 2005. The trial is now scheduled to resume on 21 October 2005.

The Prosecutor v. André Rwamakuba

26. The trial of this accused, who was alleged to have been the Minister of Primary and Secondary Education, commenced on 9 June 2005. Fourteen Prosecution witnesses have already testified. The accused was originally indicted and being tried with three other accused in the *Karemera et al.* case (see para. 23). On 14 February 2005, the accused was severed from that case following a motion from the prosecution. A separate and amended indictment against the accused was accordingly filed on 23 February 2005.

Pre-trial matters

27. Pre-trial proceedings were conducted in seven cases involving ten accused: *The Prosecutor v. Bikindi*, *The Prosecutor v. Karemera, Ngirumpatse and Nzirorera*, *The Prosecutor v. Kabuga*, *The Prosecutor v. Karera*, *The Prosecutor v. Hategekimana and Nizeyimana*, *The Prosecutor v. Rukundo* and *The Prosecutor v. Zigiranyirazo*. Three initial appearances were held following the amendments of indictments (*Karemera et al.*, *Rwamakuba* and *Zigiranyirazo* cases). The Chamber also rendered 154 decisions (69 written and 85 oral).

Appeals Chamber

28. During the period under review, there was a significant increase in the workload of the Appeals Chamber, with appeals of judgement in 10 cases, as well as 28 interlocutory appeals and 1 motion for review under consideration. The Appeals Chamber delivered 4 judgements and rendered 28 interlocutory decisions and 170 pre-appeal orders and decisions.

(a) Appeals on the merits

Eliézer Niyitegeka v. The Prosecutor

29. The hearing of the appeal submissions was held on 21 and 22 April 2004 in Arusha, and judgement was delivered on 9 July 2004. The Appeals Chamber dismissed Niyitegeka's appeal in its entirety and affirmed the sentence of imprisonment for the remainder of his life which had been imposed by the Trial Chamber.

The Prosecutor v. Elizaphan Ntakirutimana and Gérard Ntakirutimana

30. Pre-appeal procedures were completed during the reporting period, with a substantial number of pre-appeal decisions being issued by the Appeals Chamber. The Appeals Chamber dismissed two motions for admission of additional evidence pursuant to rule 115. Following a request from counsel in the case, the hearing of the appeal was postponed until 6 to 8 July 2004. The Appeals Chamber rendered its judgement on 13 December 2004 in Arusha. It quashed a number of the convictions against both appellants. It affirmed the sentences of 10 years' imprisonment and 25 years' imprisonment imposed by the Trial Chamber on Elizaphan Ntakirutimana and Gérard Ntakirutimana, respectively.

The Prosecutor v. Laurent Semanza

31. The Appeals Chamber granted a motion under rule 115 for admission of additional evidence. Hearings were held on 13 and 14 December 2004 in Arusha, during which the Appeals Chamber heard the additional evidence and the parties' submissions on the merits of the appeal. Judgement was delivered on 20 May 2005. The Appeals Chamber partly reversed a conviction for complicity in genocide; reversed an acquittal for genocide and entered a conviction for genocide; partly reversed a conviction for aiding and abetting extermination as a crime against humanity and entered a conviction for ordering extermination; reversed acquittals for two counts of serious violations of common article 3 of the 1949 Geneva Conventions and of the 1977 Additional Protocol II thereto and entered convictions under these counts for ordering and aiding and abetting murders, instigating rape, torture and murder and for committing torture and intentional murder; affirmed the remainder of the convictions entered by the Trial Chamber; and quashed the sentence of 25 years' imprisonment and entered a new sentence of 35 years' imprisonment, subject to credit for time already served and to a six-month reduction for violations of fundamental pre-trial rights, as ordered by the Trial Chamber.

Juvenal Kajelijeli v. The Prosecutor

32. The Appeals Chamber and the pre-appeal judge issued several pre-appeal decisions and two decisions on motions for admission of additional evidence under rule 115 filed by the appellant. Following postponement of the appeal hearings at the request of the appellant's counsel, the Appeals Chamber heard the parties' submissions on 7 March 2005 in Arusha. The Appeals Chamber rendered its judgement on 23 May 2005, vacating the appellant's convictions for genocide and extermination insofar as they were based on a finding of superior responsibility, finding that the appellant's fundamental rights were seriously violated during his arrest and pre-trial detention, and setting aside the two sentences of imprisonment

for the remainder of his life and one sentence of 15 years' imprisonment imposed by the Trial Chamber and converting them into a single sentence of 45 years' imprisonment, subject to credit for time already served.

Jean de Dieu Kamuhanda v. The Prosecutor

33. Pre-appeal procedures were completed during the reporting period. The Appeals Chamber partially granted the appellant's request to admit additional evidence and heard witnesses in respect of such evidence on 18 and 19 May 2005 in Arusha. On 19 May 2005, the Appeals Chamber also heard the parties' submissions on the merits of the appeal. The case is currently under deliberation, with the judgement expected in the fall of 2005.

The Prosecutor v. André Ntagerura, Emmanuel Bagambiki and Samuel Imanishimwe

34. Pre-appeal procedures were ongoing during the reporting period, with a substantial number of pre-appeal decisions being issued by the Appeals Chamber and the pre-appeal judge, including a decision dismissing a prosecution motion for admission of additional evidence pursuant to rule 115 against Bagambiki, who had been acquitted of all charges by the Trial Chamber. The case is being prepared for a hearing before the end of 2005.

The Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza and Hassan Ngeze

35. Pre-appeal procedures were ongoing during the reporting period, with a substantial number of pre-appeal decisions being issued by the Appeals Chamber and the pre-appeal judge, including several decisions dismissing motions for leave to present additional evidence under rule 115. Pre-appeal proceedings were stayed until a number of issues concerning the assignment of counsel to appellants Ngeze and Barayagwiza were resolved. Three status conferences were held to ensure that the proceedings were not unduly delayed.

The Prosecutor v. Sylvestre Gacumbitsi

36. The briefing was completed during the reporting period and the case is being prepared for a hearing.

Emmanuel Ndindabahizi v. The Prosecutor

37. Pre-appeal procedures were ongoing during the reporting period, with the Appeals Chamber granting a motion for the presentation of additional evidence pursuant to rule 115. The defence team was recomposed, and briefing is expected to be completed shortly after the close of the reporting period.

Mikaeli Muhimana v. The Prosecutor

38. The pre-appeal judge granted the appellant's request for extension of time for filing the notice of appeal from the trial judgement of 28 April 2005 until no more than 30 days from when the French text of the judgement becomes available.

(b) Interlocutory appeals: most significant decisions

The Prosecutor v. Casimir Bizimungu, Justin Mugenzi, Jérôme Bicamumpaka and Prosper Mugiraneza

39. On 15 July 2004, the Appeals Chamber rendered a decision on Mugiraneza's appeal against the decision of the Trial Chamber on exclusion of evidence by directing the Trial Chamber to reconsider Mugiraneza's request.[3] The Appeals Chamber also dismissed the Prosecutor's counter-appeal.

The Prosecutor v. Édouard Karemera, Mathieu Ngirumpatse, Joseph Nzirorera and André Rwamakuba

40. On 23 July 2004, the Appeals Chamber ruled on Rwamakuba's appeal against the Trial Chamber's decision regarding the application of the theory of joint criminal enterprise to the crime of genocide pursuant to rule 72 (E), stating that it was timely and satisfied the requirements of rule 72 (D) (iv), as it challenged the indictment on the ground that it did not relate to any of the proscribed grounds under article 6 of the statute.[4] Having decided on the admissibility of the appeal, the Appeals Chamber rendered a decision on 22 October 2004 dismissing an appeal by counsel for Rwamakuba against the Trial Chamber's decision on preliminary motion regarding application of joint criminal enterprise to the crime of genocide. It confirmed the jurisdiction of the Tribunal to try an accused for genocide on a theory of joint criminal enterprise on the ground that criminal responsibility for genocidal acts through participation in a common purpose or joint criminal enterprise is recognized by customary international law. The Appeals Chamber added that the statement in *Tadić* that customary international law permitted application of the "notion of common purpose" to all crimes within the jurisdiction of the Tribunal, including genocide, appears to be logically and legally correct, regardless of whether it is considered to be *obiter dictum*.[5]

41. The presiding judge at the trial level withdrew from the case, and the remaining judges decided to continue the trial with a substitute judge. The accused appealed, and on 21 June 2004 the Appeals Chamber directed the remaining judges to reconsider their decision after giving the parties an opportunity to be heard and taking account of the submissions as to whether it would be in the interests of justice to continue the trial with a substitute judge. After receiving submissions from the parties, the remaining judges unanimously decided that it would be in the interests of justice to continue the trial with a substitute judge, pursuant to rule 15 bis (D) of the rules. The Appeals Chamber was seized and, on 28 September 2004, rendered an urgent decision (with reasons to follow) following a number of appeals concerning the decision of the remaining judges of the Trial Chamber to continue the trial with a substitute judge pursuant to rule 15 bis. By a majority decision, the Appeals Chamber held that the remaining judges had erred in the exercise of their discretion and, accordingly, granted the appeals and quashed the impugned decision.[6]

The Prosecutor v. Pauline Nyiramasuhuko and Arsène Shalom Ntahobali

42. On 5 July 2004, the Appeals Chamber partially granted appeals by both appellants against the Trial Chamber's "Decision on the Defence Urgent Motion to Declare Parts of the Evidence of Witnesses RV and QBZ Inadmissible". The

Appeals Chamber considered lead counsel's month-long illness as good cause for extension of time pursuant to rule 116 (A). It dismissed the appeal under rule 89 (C) that the Trial Chamber should not have allowed the prosecution to adduce evidence on allegations which were not clearly pleaded in the indictment and stated that although on the basis of the indictment it was not possible to convict Nyiramasuhuko in respect of her presence at the installation of Ndayambaje, evidence of that meeting could be admitted to the extent that it might be relevant to the proof of any allegation pleaded in the indictment. On 27 September 2004, the Appeals Chamber dismissed Nyiramasuhuko's request for reconsideration of the appeal decision on the ground that the reason advanced by the appellant — that certification had been granted before the Appeals Chamber's decision of 5 July 2004 and that she had presented arguments on the admissibility of the evidence of witnesses — did not constitute good cause within the meaning of rule 116 (A).[7]

43. On 4 October 2004, the Appeals Chamber dismissed Nyiramasuhuko's appeal concerning a decision to admit as evidence a diary allegedly belonging to her. The Appeals Chamber noted that the reasons for which the Trial Chamber had certified the appeal were unclear, as the matters contained therein appeared to relate to the admissibility of the diary as evidence, which should be dealt with by the Trial Chamber in accordance with rule 89 (C). That provision grants a Trial Chamber broad discretion in assessing the admissibility of evidence.[8]

The Prosecutor v. Joseph Nzabirinda

44. On 28 January 2005, the Appeals Chamber disposed of Nzabirinda's Notice of Appeal of the Trial Chamber's "Decision on Joseph Nzabirinda's Motion to Set Aside the Registrar's Decision to Withhold the Amount Owed to Him in Meeting the Cost of His Defence". The Appeals Chamber held that the impugned decision was without interlocutory appeal and that it lacked jurisdiction to consider the Appellant's Notice of Appeal.[9]

The Prosecutor v. Aloys Simba

45. On 29 July 2004, the Appeals Chamber dismissed Simba's appeal relating to alleged defects in the indictment on the basis of article 7 of the statute. It noted that no one may be indicted for a crime committed outside the prescribed jurisdictional scope of the Tribunal but found that the Trial Chamber's statement that the reference in the indictment to events which allegedly took place prior to 1994 provided "a context or background and may be a base on which to draw inferences as to intent or other elements of the crimes alleged to have been committed within the temporal jurisdiction" correctly reflected the law of the Tribunal.[10]

46. On 30 September 2004, the Appeals Chamber dismissed Simba's appeal under rule 72 (D) challenging the decision of the Trial Chamber, which had found that the second indictment adequately pleaded the *mens rea* for joint criminal enterprise and that the allegations relating to murder as a crime against humanity were adequately connected to the widespread and systematic attack.[11]

(c) Motion for review

Eliézer Niyitegeka v. The Prosecutor

47. The appellant is seeking a review of the appeal judgement of 9 July 2004 (see para. 29) on the ground that the prosecution failed to disclose to him alleged exculpatory statements by witnesses, while it disclosed them in another case. The briefing is ongoing.

C. Office of the Prosecutor

48. The Prosecutor has continued his work on the Tribunal's completion strategy in consultation with the President (see paras. 3 and 4). He will continue to concentrate on those accused who are alleged to have been in positions of leadership and bear the gravest responsibility for the crimes committed. Accused and suspects who are alleged to have been mid- to low-level participants will be transferred to national jurisdictions, including Rwanda, for trial. The decision to transfer cases to national jurisdictions after the confirmation of indictments is a judicial one and will be taken by the Trial Chambers on a case-by-case basis.

49. Negotiations with Rwanda for the transfer of indicted persons under rule 11 bis were advanced when an understanding was reached on how transfers would take place and what conditions would be expected by the Office of the Prosecutor to prevail in Rwanda for it to initiate applications under rule 11 bis. Rwanda published draft legislation to facilitate the transfer of accused persons to it for trial. Efforts to transfer cases to national jurisdiction were advanced by the transfer of 15 dossiers of unindicted suspects to the Government of Rwanda. The Office of the Prosecutor has negotiated with other countries to prosecute some of its targets. One country has already agreed to prosecute a suspect, and efforts are continuing to get other countries to do the same.

50. To ensure that as many fugitives as possible are arrested sufficiently early to enable the Chambers to complete their trials before the end of 2008, the Office of the Prosecutor has stepped up its tracking activities. The Prosecutor has visited a number of African countries in which some of the fugitives are suspected to be and pleaded with national authorities to cooperate more significantly in the tracking and arrest of these fugitives.

51. The Investigations Division completed investigations on new targets within the completion strategy deadline of 31 December 2004. Of the 16 suspects being investigated, the Prosecutor decided to indict 8.

52. The Office of the Prosecutor has continued with its plans to make all cases against current detainees "trial-ready" so that there will always be cases to try whenever a Trial Chamber becomes available.

53. Due to the imposition of a recruitment freeze in the first seven months of the period under review, plans to reduce the vacancy rate were frustrated. However, in the five remaining months of the period, the Office of the Prosecutor made great strides to further reduce the vacancy rate.

54. In November 2004, the Office of the Prosecutor hosted a successful colloquium of prosecutors of international criminal tribunals. The aim of the

colloquium was to discuss common problems, share ideas and solutions and adopt best practices.

D. Registry

55. The Registry continues to support the judicial process by daily servicing the other organs of the Tribunal. It also fully participates in the implementation of the Completion Strategy. Focus is on filling some vacancies in order to optimize the work of staff, whose number is 886. A wide range of agreements has been signed with states and institutions. They cover reinforcement of sentences, movements and relocation of witnesses, and financial support for activities not catered for in the regular budget.

Office of the Registrar

56. The External Relations and Strategic Planning Section has continued projecting a positive image of the Tribunal and garnering financial and political support. Regular press briefings were organized in Nairobi and Arusha.

57. During the period under review, several high-level guests visited the Tribunal. Prominent among the visiting dignitaries were the President of Germany, Johannes Rau; the Crown Prince of Norway, Haakon Magnus; the Prime Minister of Norway, Kjell Magne Bondevik; the Under-Secretary-General and Special Adviser on Africa to the Secretary-General; accredited ambassadors of more than 30 countries based in Dar es Salaam and Nairobi; and high representatives of the European Union.

58. The Tribunal's outreach programme continued successfully, with the Information Centre in Kigali serving as its focal point. The Centre, which was inaugurated in September 2000, is visited by 100 persons daily, including students, journalists, civil servants, judges, lawyers and ordinary citizens. There are frequent press conferences, briefings and films on the Tribunal at the Centre.

59. High-level contacts between Rwanda and the Tribunal were maintained. Senior officials of the Tribunal and senior officials of the Rwandan Government met as often as necessary to strengthen cooperation and to increase awareness of and support for the Tribunal's work. These meetings had a positive impact on the functioning of the Tribunal. The Tribunal has developed an awareness-raising programme using a range of techniques in order to explain the Tribunal's work and its relevance to Rwanda. Particular attention has been given to the availability of printed materials, regular radio broadcasts and speakers in Kinyarwanda. The Tribunal has secured funding for the setting up of new centres in provinces that will serve as focal points for provincial information activities relating to its work.

60. During the period under review, the External Relations and Strategic Planning Section mobilized approximately $3,000,000 in extrabudgetary funds.

61. Rwandan journalists from the Office rwandais de l'information and the Ministry of Justice broadcast on a daily basis from Arusha. The Tribunal, in collaboration with these two institutions, aims to fill the information gap regarding its work in Rwanda.

62. Judgements are broadcast live in Rwanda by means of a telephone link to Radio Rwanda. Interviews are given whenever necessary. The Tribunal gave full support to the international independent media organization Internews for the production of documentaries on Rwandan post-genocide justice.

63. One of the cornerstones of the Tribunal's outreach programme is the training of Rwandan jurists, advocates and human rights practitioners. Such capacity-building includes seminars and workshops aimed at strengthening their knowledge in areas such as international humanitarian law and criminal law and their familiarity with the Tribunal's jurisprudence.

64. The Tribunal has strong cooperation with various Rwandan institutions of higher education. Two of the successful outreach projects are the Internship and Legal Researchers Programmes, which provide a number of promising young lawyers with hands-on experience in the core legal functions of the Tribunal. The latter has also a special programme for Rwandan law students. Under the special programme, six law students are provided with research bursaries which enable them to carry out thesis research in areas linked to the work of the Tribunal.

65. Important developments organized by the Gender Advisory Unit include the redeployment of a post of witness management coordinator from Arusha to Kigali and the recruitment of relevant expertise (a psychologist, gynaecologist, nurse-psychologist and lab technician in 2004) in Kigali under the technical supervision of the Tribunal's Chief Medical Doctor.

66. An evaluation effected in March 2005 covering 2004 demonstrated that in-house psychological counselling and other medical support measures had yielded positive dividends. The medical support team has generated relevant data necessary for the effective medical and logistical management of witnesses. Rwanda-based confirmed witnesses made 3,289 visits to the Tribunal's annex clinic and demonstrated confidence in the services rendered. The total cost of hospital referrals and hospitalizations in 2004 decreased by more than 80 per cent from 2003 costs. Three hundred and seventy-three psychological counselling sessions were held relating to HIV/AIDS, post-conflict trauma and preparations for cases, and 156 gynaecological were attended to. The total number of HIV/AIDS cases being followed to date is 39, and 1,067 patients have received nursing care. Sustained monitoring and evaluation is promoted through a system of weekly, quarterly and annual reporting. The Trust Fund allocation for the Medical Support Programme for witnesses in 2005 is estimated at $237,309.

67. In order to mobilize witnesses, transportation costs to and from the clinic are reimbursed. Emergency services are available seven days a week, and a roster of medical doctors on call for emergencies has been set up. Security is provided at all times, and the confidentiality of services rendered is ensured. The Registrar approved monthly nutritional supplements for all witnesses with HIV/AIDS; those supplements meet the standards of other HIV/AIDS centres in Rwanda.

68. A booklet in French, English and Kinyarwanda on testifying in the Tribunal is available to advise witnesses on the applicable procedures.

Judicial and Legal Services Division

69. During the period under review, the Court Management Section continued to facilitate the simultaneous functioning of the Chambers and strove to efficiently

support the judicial process by expanding the duties and responsibilities of the staff on board. A pilot project at the Tribunal headquarters for the electronic provision of documents to the Trial Chambers and to defence counsel has been successfully tested and is now in its implementation phase.

70. The TRIM electronic record-keeping system was upgraded to TRIM Context. In regard to public access to records, it has been ensured that any document for which vetting has been completed will be available immediately. This activity is aimed at providing staff and the public with a flexible choice of tools for research and document retrieval.

71. During the period under review, the Court Reporters Unit continued to make draft transcripts readily available in order to assist the judges and parties. It also introduced the framework of a pilot project which provides transcripts of proceedings instantly.

Defence Counsel and Detention Management Section

72. In accordance with the minimum guarantees afforded to an accused in the interest of justice, 2 duty counsels were assigned to represent indigent accused persons in the reporting period, in addition to 10 lead counsels and 9 co-counsels. This brought the total number of counsels currently assigned by the Tribunal to 88: 5 duty counsels, 53 lead counsels and 30 co-counsels. During the same period, 6 lead counsel and 3 co-counsels were withdrawn because of exceptional circumstances.

73. The Section faced several challenges during the period under review, including the rationalization of legal aid. There was a need to balance the reality of budget constraints against the need to avoid prejudice to indigent accused persons. In this regard, new mechanisms have been finalized and are ready for implementation. The Section maintained vigorous management of the current system by closely scrutinizing the time spent on activities charged by defence team members and their requests for fact-finding missions. Intensive work was carried out on the new system of remunerating assigned counsel. New lump-sum mechanisms are ready for implementation; consultations on this matter are ongoing. The lump-sum system is expected to reduce costs and introduce a strict monitoring of payments to defence team members. Work programmes considered reasonable and necessary during negotiations will be agreed upon with defence teams in advance, using codes based on actions under the rules of procedure and evidence.

74. During the period under review, the Financial Investigator conducted indigence investigations of accused persons. This will deter any abuse of the legal aid scheme.

75. The United Nations Detention Facility at Arusha had a total of 57 detainees. It is also housing witnesses; it received 50 witnesses from Rwanda and one from Mali. Construction, including that of the censor's office, a closed circuit television system and a gymnasium and exercise yard, was completed. The International Committee of the Red Cross visited the detention facility and reported that it was satisfied with its management.

Witnesses and Victims Support Section

76. During the period under review, the Witnesses and Victims Support Section, which since 2000 had been divided into two Sections, was merged into a single Section. It oversaw the movement of 185 prosecution witnesses and 115 defence witnesses from 21 countries. The Section successfully negotiated with all relevant national authorities for the provision of temporary travel documents, enabling the witnesses to travel to and from Arusha.

77. The Section has intensified its post-trial monitoring activities in the host countries of witnesses. Many prosecution and defence witnesses residing in Rwanda enjoyed a wide range of assistance aimed at improving their medical, psychological and physical rehabilitation. A few vulnerable witnesses were relocated. Transcripts from court hearings were redacted prior to being made public.

78. The Section has pursued its policy of building up a long-lasting framework of cooperation between many countries where witnesses reside. Some national officials assisted the Section in escorting witnesses. The Section has enjoyed excellent cooperation from the regional UNHCR agencies of the Office of the United Nations High Commissioner for Refugees in South Africa, Zambia, Cameroon, the Congo, Benin, Togo and Kenya with regard to the movement and protection of witnesses.

Language Services Section

79. The Language Services Section continued to provide interpretation, translation and reproduction services to the Chambers, the parties and the Registry. Despite being understaffed, the Section adequately serviced the trials and other support activities. Eleven persons were trained in simultaneous interpretation to and from Kinyarwanda; four of them are awaiting recruitment. The Section's expertise is also shared with sister organizations such as the Special Court for Sierra Leone, which, in the framework of inter-tribunal cooperation, benefited from the work of the Tribunal's trainers in simultaneous interpretation.

Legal Library and Reference Section

80. The Legal Library continued its activities, including information acquisition and processing, delivery of information, reference service, outreach activities and collaboration with United Nations peer libraries. Lists of new acquisitions were produced on a monthly basis to keep users informed of new additions to the library catalogue. The online public access catalogue was implemented for internal and external access to the library catalogue.

81. The Library and the External Relations and Strategic Planning Section implemented "Capacity-building in Rwanda" activities. This involved the training of 200 librarians, law students and lecturers in document-processing techniques and online legal research. About 45 staff members were trained in Westlaw and Nexis.

Division of Administrative Support Services

82. The Section adequately serviced the various organs of the Tribunal. All non-expendable assets were bar-coded for effective control. The Building Management Section created and equipped the fourth courtroom in only 30 days. Good-quality transport service has been provided by the Transport Section.

83. During the period under review, 205 interns and 23 legal researchers from 44 countries gained experience at the Tribunal.

84. There were 156 vacancies, a rate of 15 per cent, during the period under review. Staff members came from 86 countries. The staff gender distribution was 67 per cent male and 33 per cent female. The number of staff members lost through resignations was 112. Welfare measures aimed at staff retention are being implemented. In this regard, 110 staff development courses were conducted by the Tribunal.

85. In the area of security, various measures were implemented, such as closed circuit television and access-control measures.

86. The Health Service Unit had increased consultations because of the increase in witness arrivals, and, hence, the number of consultants and nurses has increased. Staff outreach support is also provided. First-aid training is given to drivers, security officers and other staff.

II. Recommendations

87. The Tribunal recommends that:

(a) It continue to receive sufficient resources to enable it to complete its work within the time frames stipulated in Security Council resolutions 1503 (2003) and 1534 (2004);

(b) Member States continue to facilitate the travel of witnesses to and from the seat of the Tribunal, particularly in cases where witnesses do not have the required travel documents;

(c) Member States remain receptive to discussions relating to the possible transfer of cases to their respective jurisdictions for trial;

(d) Member States assist and cooperate in the arrest and transfer of accused and suspects who remain at large.

III. Conclusion

88. The Tribunal is committed to bringing to justice those persons who were the alleged architects of the genocide and violations of international humanitarian law committed in Rwanda in 1994. In this process, it will bring justice to victims of the massive crimes that were committed and establish a record of facts that can aid reconciliation in Rwanda. The Tribunal will also leave a legacy of international jurisprudence that can guide future courts and deter the future commission of these grave crimes.

89. The Tribunal acknowledges the support and assistance received from the Secretary-General of the United Nations, Kofi Annan, and expresses its appreciation to Member States for their continuing interest in and support of its activities.

Notes

[1] On 21 May 2005, Judge Møse was re-elected President and Judge Ramaroson was elected Vice-President. Judge Ramaroson replaced Judge Andrésia Vaz (Senegal), who did not seek re-election.

[2] Judge de Silva was appointed on 3 August 2004 by the Secretary-General to replace Judge Asoka de Zoysa Gunawardana, who retired on 30 June 2004.

[3] "Decision on Mugiraneza's Interlocutory Appeal against the Decision of the Trial Chamber on Exclusion of Evidence", 15 July 2004.

[4] "Decision on the Validity of Appeal of André Rwamakuba against Decision Regarding Application of Joint Criminal Enterprise to the Crime of Genocide pursuant to Rule 72 (E) of the Rules of Procedure and Evidence", 23 July 2004.

[5] "Decision on Interlocutory Appeal Regarding Application of Joint Criminal Enterprise to the Crime of Genocide", 22 October 2004.

[6] "Decision on Interlocutory Appeals Regarding the Continuation of Proceedings with a Substitute Judge and on Nzirorera's Motion for Leave to Consider New Material", 28 September 2004; and "Reasons" for the Decision, 22 October 2004.

[7] "Decision on the Defence Urgent Motion to Declare Parts of the Evidence of Witnesses RV and QBZ Inadmissible", 5 July 2004; "Decision on Pauline Nyiramasuhuko's Request for Reconsideration", 27 September 2004.

[8] "Decision on Pauline Nyiramasuhuko's Appeal on the Admissibility of Evidence", 4 October 2004.

[9] "Decision on Joseph Nzirorera's Notice of Appeal", 28 January 2005.

[10] "Decision on Interlocutory Appeal Regarding Temporal Jurisdiction", 29 July 2004.

[11] "Decision on Validity of Appeal Pursuant to Rule 72 (E) of the Rules of Procedure and Evidence", 30 September 2004.